



**AGENDA
PLANNING AND ZONING COMMISSION**

Thursday, July 6, 2023 @ 7:00 PM

**Council Chambers at the City of Anna Municipal Complex, located at
120 W 7th Street, Anna, TX 75409**

The Planning & Zoning Commission of the City of Anna will meet on 07/06/2023 at 7:00 p.m. in the Council Chambers at the City of Anna Municipal Complex, to consider the following items.

If you wish to speak on an Open Session agenda item, please fill out the Speaker Registration Form and turn it in to city staff before the meeting starts.

1. Call to Order, Roll Call, and Establishment of Quorum.
2. Invocation and Pledge of Allegiance.
3. Neighbor Comments: At this time, any person may address the Planning & Zoning Commission regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the Commission regarding an item that is not on this meeting Agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this Agenda, other than to make statements of specific factual information in response to a neighbor's inquiry or to recite existing policy in response to the inquiry.
4. Location Map

P&Z Annual Organizational Review

5. Elect a Planning & Zoning Commission Chairman.
6. Elect the Planning & Zoning Commission Vice-Chairman.
7. Elect the Planning & Zoning Commission Secretary.
8. Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.

Consent Items

9. Consider/Discuss/Action to approve minutes of the June 5, 2023 Planning & Zoning Commission Meeting.
10. Consider/Discuss/Action on the 455/75 Business Addition, Block A, Lot 4R, Site Plan. Applicant: Shree Anna Realty Corp.
11. Consider/Discuss/Action on the Arden Park Phase , Block C, Lot 1X, Site Plan. Applicant: Arden Park Owner TX LLC, a Delaware Limited Liability Company.
12. Consider/Discuss/Action on the Arden Park Phase 2, Final Plat. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.
13. Consider/Discuss/Action on the Arden Park Phase 2, Site Plan. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.
14. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lot 2R, Replat. Applicant: Jeff Williams / Anna Southgate, LLC.
15. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lot 2R, Site Pan. Applicant: Jeff Williams / Anna Southgate, LLC.
16. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block C, Lot R, Replat. Applicant: Josh Eadie / NexMetro Hayes, LP.
17. Consider/Discuss/Action on the Gateway at Buddy Hayes, Block C, Lot R, Site Plan. Applicant: Josh Eadie / NexMetro Hayes, LP.

Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary, at 972-924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

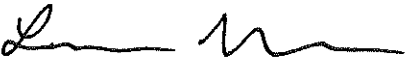
18. Consider/Discuss/Action on the Lorenzo Dow Hendricks Elementary Addition, Block A, Lot , Final Plat. Applicant: Anacapri Laguna Azure, LLC and Bloomfield Homes, LP.
19. Consider/Discuss/Action on the One Anna Two Addition, Block A, Lots 4R & 5, Preliminary Replat. Applicant: North Texas HOCO, LLC.
20. Consider/Discuss/Action on the S.E. Jenkins Estates, Block A, Lot 1, Final Plat. Applicant: Sam Elba Jenkins.
21. Consider/Discuss/Action on the Skyway Towers Addition, Block A, Lot 1, Development Plat. Applicant: William & Mary Enox.
22. Consider/Discuss/Action on the Zee Addition, Block A, Lot 1, Final Plat. Applicant: Zeeshan Hameed & Sharon Carroll Smith.

Items for Individual Consideration

23. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 2.0+ acres located 370+ feet east of U.S. Highway 75, 510+ feet south of W. White Street from C-2 General Commercial to Planned Development-C-2 General Commercial to allow for the use of Self-Storage, mini-warehouse with modified development standards. Applicant: Anna 31 Retail LP.
24. Consider/Discuss/Action on the Anna Retail Addition, Block A, Lot 9, Concept Plan. Applicant: Anna 31 Retail LP.
25. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone one lot on 0.4+ acre located on the north side of Hackberry Drive, 320+ feet east of N. Powell Parkway from SF-1 Single-Family Residential to C-J Restricted Commercial to allow for a proposed general office use. Applicant: Joe A. Greer, Jr.
26. Consider/Discuss/Action on the J.A. Greer Addition, Block A, Lot 1, Site Plan. Applicant: Joe A. Greer, Jr.
27. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone one lot on 3.0+ acres located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail to allow for a Communications Tower. Applicant: Centurion American.
28. Consider/Discuss/Action on the Villages of Hurricane Creek - North, Block K, Lot 7X, Site Plan. Applicant: Centurion American.
29. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend zoning on one lot on 8.2+ acres located at the northeast corner of W. 7th Street and S. Powell Parkway to allow for a proposed library and existing civic center uses with modified development standards. Applicant: The City of Anna.
30. Consider/Discuss/Action on the Anna Municipal Complex Addition, Block A, Lot 1, Revised Site Plan. Applicant: City of Anna
31. Consider/Discuss/Act on Amendments to Article 9.07 Tree Preservation of The City of Anna Code of Ordinances, Text Amendment. Applicant: City of Anna.

Adjourn

This is to certify that I, Lauren Mecke, Planning Manager, verify that this agenda was posted on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 7:00 PM 06/30/2023.



Lauren Mecke, Planning Manager



Item No. 8.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Lauren Mecke

AGENDA ITEM:

Review/Discuss/Action on Planning & Zoning Commission Rules of Procedure.

SUMMARY:

In accordance with the City Charter, the Planning & Zoning Commission must review the rules of procedure annually.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

This is the opportunity if the Commission would like to discuss the upcoming calendar, rules of procedure, or any questions you might have.

STRATEGIC CONNECTIONS:

This item has no strategic connection.

ATTACHMENTS:

1. P&Z Complete info packet 2023-06-29
2. 2024 submittal calendar

PLANNING & ZONING COMMISSION



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Meetings and Work Sessions

The Planning & Zoning Commission meets the first Monday of every month. Meetings are held at the Anna City Hall, located at 120 W Seventh Street in Anna, Texas unless otherwise stated.

Roles and Responsibilities

The seven members of the Planning & Zoning Commission (Commission) serve two-year terms. The Commission evaluates certain applications including site plans and plats for new development projects and makes recommendations to the Anna City Council. In addition, the Commission regularly holds public hearings and makes recommendations to Council on zoning and rezoning applications, including amendments to zoning regulations. The Commission is also involved in the process of updated the City's Comprehensive Plan.

Commissioner	Date Original Appointment	Date Reappointed	Present Term Expires
Staci Martin	June 2022 (Filled unexpired term)	June 2023	May 2025
David Nylec	May 2022		May 2024
Jessica Walden	June 2023		May 2025
Douglas J. Hermann	May 2022		May 2024
Kelly Patterson-Herndon	May 2021 (Filled unexpired term)	June 2023	May 2025
Michelle Y. Clemens	May 2022		May 2024
Matthew Blanscet	June 2023		May 2025

City Council Liaisons

The Council Liaisons observe the activities of the Commission to stay informed and provide a resource at Council meetings.

Staff Liaisons & Additional Staff Contacts

The Staff Liaison is your point of contact regarding the Commission.

Council Liaisons	Staff Liaison
Lee Miller	Lauren Mecke, Planning Manager LMECKE@annatexas.gov
Randy Atchley	Ross Altobelli, Director of Development Services RALTOBELLI@annatexas.gov

BASIC INFORMATION FOR COMMISSION



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Additional Meetings as Required

- Called work sessions on Comprehensive Plan, special projects or ordinance amendments
- Training sessions for members on general topics
- Days may be chosen depending on commissioners' schedules. All work sessions are held at City Hall in the Council Chambers.

Retreats/Conferences with City Council

- Annual half-day retreats or special topic conferences may be held with City Council. The retreats are used for teambuilding activities and discussion of general issues not related to specific development cases or projects.

General Information

- The Planning & Zoning Commission typically meets the first Monday of every month and a schedule is created annually.
- Meetings generally end by 9:00 pm; however, they can last until midnight.
- Attendance at each meeting is noted and forwarded to the City Council. E-mail your liaison if you are unable to attend.
- Reporters from local news agencies may attend meetings and may contact commissioners.

Preparation Time for Regular Meetings

- The agenda packet is made available on-line on Friday afternoon/evening prior to the Monday evening meeting. An email is sent to Commissioners when the packet has been uploaded to the City's website.
- Approximate amount of time it may take to read packet and make notes: one to two hours.
- Approximate amount of time it may take to visit sites of concern prior to meeting: one to two hours.

Preparation Time for Additional Meetings

- Approximate amount of time it may take to read information on proposed ordinance amendments and other issues, and make notes: one to three hours.

PRACTICE TIPS FOR COMMISSIONERS



Zoning Cases

- Discretion:* Broad but must have reasonable basis
- Always:* Consider **land use** appropriate for the various districts and make uniform and logical decisions.
- Never:* Make decisions that are arbitrary and capricious. Avoid "spot zoning" – zoning which varies or makes exception for particular tracts of land without justification based on the legitimate goal of promotion of health, safety, and welfare.

Zoning is "The division of a jurisdiction into districts within a jurisdiction within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined." There are two basic types of zoning petitions: changes to a property's zoning classification and amendments to the zoning ordinance text.

Special Types of Zoning

- Planned Development Districts
- Specific Use Permits

Actions on Zoning Petitions

- Public Hearings are held by both the City Council and Planning & Zoning Commission
- Planning & Zoning Commission provides a recommendation to City Council
- Legislative Action, not an administrative action
- Reasonable discretion in making decisions on zoning petitions
- May take into account testimony of the public and facts presented in the public hearings
- Regulations must rationally and reasonably advance a legitimate government purpose

Remember:

1. Land Use. Zoning is a land use issue. Decisions should be based on the legal designation of land or real property for a particular use such as commercial, industrial or residential.
2. Consider the comprehensive plan and City of Anna strategic plan when making zoning decisions. The comprehensive plan is intended to guide the future growth and physical development of a community by providing for the distribution and relationship of various land uses. The strategic plan identifies value-based principles that describe the preferred future in 15 years.
3. Specific Use Permits should only be utilized in limited situations when a land use may be appropriate in a certain location in a zoning district but not in all locations.

PRACTICE TIPS FOR COMMISSIONERS



4. Planned Development Zoning is intended to provide for combining and mixing of uses with appropriate regulations allowing flexibility in the use and design standards in situations where modification are not contrary to the intent and purpose or inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. Planned developments should not be used as a backdoor means to grant a variance.

Development Application Review (Site Plans/Plats)

Discretion: Extremely Limited

Always: Approve if it meets requirements in the plan/plat checklists and city regulations.

Never: Impose conditions greater than required by the code.

The site plan and plat process govern land development in the city. Developers must receive approval of these plans to begin development and/or sell properties.

Site Plan

The site plan review process is governed by the Zoning Ordinance and has two steps and includes the following types of plans:

- *Concept Plan
- Site Plan

Plats

The platting process is governed by the Subdivision Ordinance. There are several types of plats that the Council and Commission may review and approve:

- Preliminary Plat/Preliminary Replat
- Final Plat/Replat
- Development Plat
- Minor Plat
- Amending Plat

Commission's Actions on Site Plans and Plats

The Commission's actions on site plans and plats are considered administrative and ministerial in nature. As such, the Commission must approve these documents if they conform to all the city's ordinances and requirements. The Commission may not impose additional requirements and cannot deny a site plan or plat based on homeowner opposition.

Remember:

1. Utilize staff's expertise when decisions are based on health and safety issues, and make a record based on relevant evidence.
2. Generalized complaints by local residents are insufficient to justify denial of an application.

PRACTICE TIPS FOR COMMISSIONERS



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3. Meetings between the developers and homeowners can be requested but cannot be required. Denial of the application cannot be based on the developer's refusal to meet with homeowners.
 4. Approval cannot be withheld solely on conclusory allegations that the subdivision or site plan is not consistent with the character of the neighborhood if the plans meet all the applicable code requirements.
 5. If it meets the standards contained in the code regulations, the Commission must approve the application.

**Concept Plans are only required in establishing a Planned Development district. Concept Plans are required to meet the city's ordinances and requirements as part of the zoning request.*

Rules & Procedures for Commissioners



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ADOPTED NOVEMBER 9, 2010

RESOLUTION NO. 2010-11-05

Purpose

The City Council of the City of Anna, Texas ("City Council"), recognizes that it is desirable for there to be a uniform set of rules of procedure for conducting meetings of the City Council, boards and commission appointed by the City Council, and the business of the City Council and said boards and commissions in a sound and efficient manner;

Definitions

- (a) Governing Body means the City Council of the City of Anna, Texas or any board or commission whose members are appointed by the City Council.
- (b) Presiding Officer means the member of the Governing Body authorized to preside over official meetings of the Governing Body. The Mayor is the Presiding Officer at all City Council meetings. The Mayor Pro-tem or Deputy Mayor Pro-tem presides in the absence of the Mayor. Meetings of boards and commissions appointed by the City Council are presided over by a chairperson or president. The Vice Chairperson or Vice President presides in the absence of the Chairperson or President. The member of the Governing Body present with the longest tenure shall preside in the absence of any other Presiding Officer. In such cases, if two or more members of the Governing Body present have equal tenure, then the Presiding Officer shall be determined by the alphabetical order of the last names of the members with equal tenure.

Agendas

- (a) Unless otherwise provided in a Resolution or Bylaws approved by the City Council, the City Manager or the City Manager's designee shall set the agenda for all meetings of the Governing Body as prescribed in City Council Resolution 2008-01-04.
- (b) Regular city council meeting agendas will include a "Public Comment" item. Under this item, members of the audience at the council meeting are permitted to address any topic relating to City business operations. The following procedures will be followed:
 - The speaker will state his/her name and address for the record
 - Remarks will be limited to three (3) minutes
 - The speaker may address the council only one time.

Rules & Procedures for Commissioners



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The Governing Body will not respond to questions or comments by the speaker, except a member may respond by making: (1) a statement of specific factual information given in response to an inquiry; (2) a recitation of existing policy in response to an inquiry.

Role of the Presiding Officer

The Presiding Officer shall fulfill the following duties:

- (a) Opens the meeting on time, announces the presence of a quorum, and sees to it that the meeting follows the agenda, and all discussions are focused on agenda items.
- (b) Keeps discussions focused on the matter at hand.
- (c) Sees to it that all major issues are brought to the floor in the form of a motion. The Presiding Officer shall allow additional discussion on a motion once made only after a motion is seconded. If no one seconds a motion made during a meeting, it dies for lack of support.
- (d) Uses reasonable measures to keep meetings from becoming unreasonably long.
- (e) If discussion wanders or becomes confused, the Presiding Officer calls people's attention to the motion on the floor as a way of refocusing discussion. If it is clear from the discussion that a decision will not be made within a reasonable period of time during the meeting, the Presiding Officer may ask for a motion to table the issue to a later meeting.
- (f) The Presiding Officer may authorize a member of the public to speak regarding a duly noticed agenda item under appropriate circumstances and shall ask the speaker to limit remarks to 3 minutes.

Rules for Discussion and Debate

- (a) Direct all remarks to the Presiding Officer, and only after being recognized by the Presiding Officer. Only one member of the Governing Body may speak at a time and must do so at a volume that is audible to the other members and other attendees of the meeting. There shall be no side discussion or debate during a meeting.
- (b) A member of the Governing Body shall stop speaking when the Presiding Officer finds it necessary to speak but may seek to be recognized to continue to speak.

Rules & Procedures for Commissioners



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- (c) A member of the Governing Body shall confine remarks to the issue being discussed and shall not communicate with members of the audience unless: (1) it is during a public hearing and the member is addressing an audience member who has been duly authorized to speak; or (2) the Presiding Officer has recognized an audience member to speak and the member of the Governing Body has also been recognized to speak.
- (d) Members of the Governing Body should avoid using other members' names when referring to issues and positions under debate and should avoid attacking other members' motives.
- (e) Members of the Governing Body should avoid personal attacks and offensive comments and shall not use obscene language.
- (f) The Presiding Officer should warn a member about a serious offense the first time it happens (for example—personal attacks, use of obscene language, etc.).
- (g) Any type of recording device, whether audio or video, even if turned off, may not be taken into a room or area where any part of an executive session discussion is being held.

Rules for Public Hearings

- (a) Public hearings will be conducted as follows:
 - (1) The Presiding Officer or Presiding Officer's designee will provide a summary report and recommendation as appropriate on the agenda item.
 - (2) The petitioner/applicant, if any will be offered an opportunity to discuss the petition/application prior to other public comment.
 - (3) The petitioner/applicant will state his/her name and address for the record and will be limited to three (3) minutes to discuss the item.
 - (4) Other persons wishing to speak during the public hearing will be offered an opportunity and shall state their name and address for the record.
 - (5) All other persons wishing to speak during the public hearing will be limited to three (3) minutes to discuss the item and may speak only one time on a public hearing item.
 - (6) The petitioner/applicant, if any, will be offered an opportunity to respond to comments or questions from the Governing Body but will be limited to not more than three (3) minutes unless the Presiding Officer permits additional time.

Rules & Procedures for Commissioners



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- (7) If an agenda item does not include a public hearing, it is the discretion of the Presiding Officer to allow public comment. If public comment is permitted, the procedures outlined in this section will pertain.
- (8) The Presiding Officer may change the time allowed to individuals to speak regarding an item on the agenda. However, in order to provide for efficient, effective, and orderly conduct of the meetings, such changes will be allowed only under unusual conditions.

Rules for Motions

(a) Making Motions.

- (1) Maker must be recognized by the Presiding Officer before making a motion.
- (2) Maker then states, "I move..."
- (3) A second to the motion is required.
- (4) The maker of the motion has the right to speak first during the discussion.
- (5) The maker also has the privilege of speaking last before the vote.
- (6) The Presiding Officer recognizes each person before he or she speaks.

(b) Amending Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to amend.
- (2) To Amend a Motion:
 - a. Requires a second from the member of the Governing Body who seconded the original motion.
 - b. Motion is considered amended upon a second from the member of the Governing Body who seconded the original motion.

(c) Tabled Motions

- (1) Maker must be recognized by the Presiding Officer before making a motion to table.

Rules & Procedures for Commissioners



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(2) To Table a Motion:

- a. Requires a second.
- b. No debate is allowed.
- c. No amendments to the tabling motion can be made.
- d. Majority vote is required to pass the tabling motion.
- e. A motion to table must set a definite date for reconsideration to take place at a duly noticed public meeting.
- f. The City Manager or the City Manager's designee shall place the item on a future agenda in accordance with a motion that tabled the item. At the future meeting upon which the tabled item is placed, the item shall automatically be taken from the table for consideration in accordance with said future agenda.

(d) Motion to Take No Action.

- (1) Maker must be recognized by the Presiding Officer before making a motion to take no action.

(2) Taking No Action:

- a. Requires a second.
- b. The maker of the motion has the right to speak first during the discussion.
- c. The maker also has the privilege of speaking last before the vote.
- d. The Presiding Officer recognizes each person before he or she speaks.

(e) Motion to Adjourn

- (1) Maker must be recognized by Presiding Officer before making a motion to adjourn.

(2) To Adjourn a Meeting:

- a. Requires a second.
- b. Not debatable.
- c. Cannot be amended.

Rules & Procedures for Commissioners



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- d. Majority vote is needed to pass.

Open Meetings Act

Notwithstanding any provision of these rules, all meetings of the Governing Body shall comply with the Texas Open Meetings Act.

Rules of Dress and Decorum

- (a) During all official meetings of the Governing Body, members shall observe a business causal dress code which shall at minimum include the following:
 - (1) Males will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks. Males shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, opened toed shoes, hats, and non-prescription glasses.
 - (2) Females will wear a colored polo shirt, dress shirt, jeans with no holes or dress slacks, or a skirt, and appropriate dress shoes. Females shall not wear T-shirts (unless dress T-shirts with a coat or blazer) shorts, hats, and non-prescription glasses.
- (b) During official meetings of the Governing Body, members shall not use tobacco products including smokeless tobacco.

SAMPLE AFFIDAVIT

THE STATE OF TEXAS §
 §
 COUNTY OF _____ §

I, _____ (*printed name of affiant*), a local public official, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by an action contemplated by the City of _____

The business entity or real property in which I have a substantial interest is: [*name and address of business and/or description of property*] _____

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [*circle all that apply*]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market valued of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;
- (4) receive from the business entity funds that exceed 10% of _____ [*my, his, her*] gross income for the previous year;
- (5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

Upon filing of this affidavit with the official record keeper of the city, I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

Signed this _____ day of _____, 20____

 Signature of Affiant

 Affiant

BEFORE ME, the undersigned authority, this day personally appeared _____
 _____ [*name of affiant*] and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this _____ day of _____
 _____, 20____.

 Notary Public in and for the State of Texas

My commission expires: _____

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Affidavit.** Signature of local government officer.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Chapter 2

Ethics and the Planning Commissioner

Carol Barrett, FAICP



This chapter discusses and provides examples of how a Planning Commissioner can make complex decisions while being fair, equitable, and ethical. It provides information on the sources for ethical guidelines, particularly for the code of ethics and local ordinances. It establishes a framework and foundation for ethical planning officials and provides background on Texas law, in regards to conflict of interest. It defines common biases that impact ethical behavior and point to serious concerns about ethical misconduct. Specifically, in this chapter you will learn whether you can meet individually with applicants to hear about their project, whether you should take a tour of a project site with an applicant, if you can discuss pending development projects at your neighborhood association meeting, if friends and neighbors can offer their opinions about pending projects, what to do if a good friend has a project before the Planning Commission, and to do the job of a Planning Commissioner in a way that promotes fairness and objectivity. The following attachments are available at the end of the chapter to be used as reference guides and resources:

Attachment A: Ethical Principles in Planning, AICP

Attachment B: AICP Code of Ethics and Professional Conduct

Attachment C: By-laws for Planning and Zoning Commission, City of Collinsville, TX

Attachment D: Planning and Zoning Commission: Participating at Public Hearings, City of Arlington

Attachment E: Example Planning Commission Meeting Brochure, City of San Gabriel

Attachment F: Public Services Values, The Institute for Local Government



INTRODUCTION

“A prominent example of the appearance of a conflict came this past June when a planning commissioner recused herself, left the dais, then presented on a project to her colleagues. She said she had no recourse, since she is the only employee of her firm.”

Yikes. The sentence above comes from a local newspaper recounting a series of on-going ethical lapses in a City. In this instance, applicants may well perceive a “pay to play” rule. If you want favorable consideration by the Planning Commission, you have to pay a Commissioner or the Commissioner’s firm. This kind of behavior is wrong for a number of reasons which are discussed below. While an extreme example, it is not an isolated one. Planning Commissioners regularly face ethical questions. Thinking about those ethical questions and possible responses ahead of time prepares you to make an informed decision when confronted with an ethical challenge. That’s the

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Let’s step back for a second. What is ethical behavior? Expressed in a straightforward manner, ethical behavior is what you ought to do as a Planning Commissioner. It’s treating others as you would wish to be treated. It’s the kind of conduct that makes the world a better place.

Ethics is particularly important in public service. As a Planning Commissioner, you have been given significant authority and you are expected to use that authority with integrity. You make decisions about what can and cannot happen in your community. You make recommendations about how to spend city money, some of which comes from local taxpayers. If the Planning Commission is to do its job properly and address the challenges confronting most communities, public trust and confidence is vital. High ethical standards are required to secure and maintain public trust that is essential to the planning process and to good government.

What are common ethical questions that Commissioners need to answer?

- Can I meet individually with applicants to hear about their project?
- Should I take a tour of a project site with an applicant?
- Can I discuss pending development projects at my neighborhood association meeting?
- Can friends and neighbors offer me their opinions about pending projects?
- What happens when my best friend has a project before the Planning Commission?
- How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?



SOURCES FOR ETHICAL GUIDELINES

Most planning officials often operate according to an unwritten, personal code of ethics. As a new planning commissioner, you know yourself to be honest in your day-to-day dealings with friends and family and you are reliable in your professional life as well. Therefore, you assume that the way you deal with ethical questions that come up as a planning commissioner will be honest as well. Most people have convictions about what is right and wrong based on religious beliefs, culture, family teachings, lessons learned in life, laws, and habits. These values may vary among your fellow commissioners. For example, loyalty to friends and family may conflict with one's responsibility to serve the public interest. Religious beliefs and culture are also a source of continuous historical disagreement over all kinds of matters. To help your Planning Commission operate consistently and fairly, a more uniform frame of reference is needed.

Codes of Ethics

This chapter can help you understand some of the more universal behavior standards for planners and planning officials so you are better prepared to think through what your response should be when ethical issues arise. The American Planning Association has adopted a Statement of Ethical Principles to help planning officials understand basic ethical expectations (See Attachment A). This Statement was prepared and adopted to provide guidance to planning officials. There is also a Code of Ethics for professional planners who have passed an examination and are members of the American Institute of Certified Planners. Their Code is also included for your reference as Attachment B. Finally, as a planning commissioner you will work with professionals from various disciplines – architects, engineers, and landscape architects for example. Like the planners, each profession has a Code of Ethics. They are not all attached here but can easily be researched on line.

Local Ordinances

In many communities and some states, there are adopted ordinances and laws governing aspects of the conduct of Planning Commissioners, especially with respect to conflict-of-interest. These materials should be provided to you by staff and covered in regular training so that you are familiar with them.



The general conflict of interest laws for Texas city officials are found in chapter 171 of the Local Government Code. It includes standards for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item. Chapter 171 conflict of interest provisions apply to all local public officials which includes planning commissioners. The Office of the Attorney General has an excellent publication that you can download from the internet. Commissioners should remember that these state requirements define the legal minimum, not what may be ethical.

General conflict of interest laws are found in chapter 171 of the Local Government Code

LAYING THE GROUNDWORK FOR ETHICAL PLANNING OFFICIALS

Serving as a planning official is not easy, especially in the face of public cynicism regarding the motives of community leaders. And then there are all the newspaper articles documenting various degrees of incompetence or corruption in the public sector. Some people will automatically assume that a level of malfeasance applies to you as a commissioner as well. Plus, your work as a commissioner is hard. You have to prepare for meetings by visiting sites and studying agenda packets which arrive only days before the meeting. You have to attend meetings which can run on for hours and listen to criticism, some of which may be ugly and very personal. But there are things that you and your community can do to help shape the public's perception about the values which underlay your decisions as a commissioner.

Elected Officials Should Appoint Good Planning Commissioners

A good Planning Commissioner is more than someone who can avoid financial conflicts of interest. A good commissioner knows a lot about the community and brings special expertise to the Commission. A good Commissioner should also have:

- An open mind to listen to new ideas from applicants, from other commissioners, and from staff.
- An ability to see both the strengths and weaknesses of the proposals.
- Critical thinking skills leading toward finding solutions.



- A willingness to spend the time required to study materials.
- An ability to manage other commitments so that attendance is regular.
- A commitment to making the process fair to all.
- A degree of independence in making choices and recommendations.
- Faith in the future and the ability of the community to shape that future.

Once you are a Planning Commissioner, you can help the elected officials to make good appointments by serving as a talent scout. You should be on the lookout for others in your community who would make good commissioners and share that information with your Mayor or planning director.

Planning Commissioners Should Have Regular Training

All new commissioners need an extended orientation to the work of the commission and the status of planning and development in your community. There should also be an ethics component of that training as well. An annual training event focused on the specific challenges in your community should be something you can request and help plan. Ethics should always be included among the topics to be covered. The community should budget to send planning commissioners to training sponsored by the Texas Chapter or other organizations whose work is relevant to your efforts as a volunteer.

If you are having problems as a Commission because one or more of your fellow Commissioners are not pulling their own weight, you can suggest training for the entire Commission that will make clear the expectations for conduct and effort. Working with your planning director can help make the training productive and relevant. In many cases, there are often other Planning Commissioners from nearby jurisdictions who can help set the ground rules and expectations. And the voice of a colleague always carries great weight. If your Planning Director doesn't have suggestions, the Texas Chapter will. The Chapter can be contacted online at <http://www.txplanning.org/>.

Planning Commissions Should Have Ground Rules

Every commission needs bylaws, written rules of procedures, and a statement of the ethical principles which will guide their work. Together, these documents provide assurance that everyone who interacts with the commission has rights -- due process, fairness, and equity. By-laws and rules of procedure tell people what to expect and help make work with the planning bodies more productive. They also set the benchmark for fair, ethical, and prompt deci-

*Everyone has
the right to due
process,
fairness, and
equity*



sions. If the process itself appears fair, there will be a much higher degree of confidence in the decision itself. By-laws and public hearing procedures from the City of Collinsville (Attachment C) are provided for your information.

It is also useful to community members to have an easy reference guide for how meetings will work written so that it can be easily understood. If you have this kind of information readily available, it will encourage the community to understand that you value their ideas and that the process is arranged so that they have an opportunity to make their point of view known. A sample Arlington, Texas (Attachment D) and one from the City of San Gabriel, California (Attachment E). The latter is always at the table outside the meeting room with agendas and includes background information on the Planning Commission as well as public hearing testimony procedures.

Finally, on evenings when there will be public hearings, the Commission Chair (or his/her designee) can briefly review the procedures so that those in attendance understand when they will be able to speak. All of this effort is directed toward making the work of the Commission transparent which is a core ethical value for public sector decision-making.

Planning Staff Should Use Standard Planning Procedures to Ensure Full, Open Consideration

Standard planning procedures help planning commissioners do their job in an ethical manner. Standard procedures also help ensure that issues will be properly aired without undue influence either in fact, or in appearance. That is a key component of ensuring the reputation of your Commission – it must both act fairly and be perceived as acting fairly.

Standard procedures lay out information that the applicant can rely on in moving a project forward; and that makes it clear to the community how and when they will be able to participate in the deliberative process. The value of transparency – the public can see and participate in what is going on – is best achieved through standard procedures. Planning Commissions should operate from posted agendas (a staff responsibility to prepare and post) and follow those agenda. Following the agenda is important because of the right of the public to address the Planning Commission. If items are taken up in a random order it makes it hard to know when to come to the meeting. That doesn't mean that the agenda can't be revised at the meeting itself. For example, if a larger number of citizens are in attendance for a single agenda item,



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Texas Chapter

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From time to time, even the best planners lapse into plannerspeak which is not always completely intelligible in staff reports. See below.

Version 1: It is the determination of City staff that there is a possibility of associated increases in traffic noise if this project is approved and constructed.

Version 2: City staff believe this project will increase traffic noise.

This example is from *Planning in Plain English* by Natalie Macris. It should be required reading in every planning agency.

then the Commission is likely to move that item up earlier in the meeting to allow the community to participate and get home earlier. Another aspect of agenda management is the language used to describe the work to be done. You and staff can work together to make the agenda as straightforward as possible. Here is an example:

PRJ12-00276 – ZON12-00043. APPLICANT: ORANGE COUNTY EMERGENCY PET CLINIC; PROPERTY OWNER: JEFFREY I. GOLDEN.

A request for a Conditional Use Permit to operate an after-hours emergency pet clinic per FMC 15.30.030 on property located at 3920 N. Harbor Boulevard (generally located between 420 feet and 520 feet south of Imperial Highway). (C-2- zone) (Staff Planner: Elaine Dove)

← This is a clear project description

← How do I contact the planner if I have questions?

Here is another example which also has some good aspects but still needs a bit more work as noted.

Rezoning: C814-2012-0160 – 211 S. Lamar

Location: 211 S. Lamar Boulevard, Lady Bird Lake Watershed, South Lamar

Combined NPA

Owner/Applicant: Post Paggi, LLC (Jason Post)

Agent: Winstead PC (Amanda Swor)

Request: CS & CS-V to PUD

Staff Rec.: Recommended

Staff: Lee Heckman, 512-974-7604,
lee.heckman@austintexas.gov
Planning and Development Review
Department

← What do the letters "NPA, CS & CS-V to PUD" stand for?

← Noting the staff recommendation is useful

← Including staff contact information is very helpful

In general, the Commissioners can only discuss and act on items included in the posted agenda. Commissioners can ask to have items added to the agenda. In fact, "Items from the Commission" should be a regular item on your agenda so that everyone is reminded of this opportunity.



Example: A resident comes to the podium during citizen comment to report that the conditions of approval for a project are not being adhered to and that the quality of life for the residents on her block has been substantially degraded as a result of the Planning Commission approval several months ago. She demands that the Commission do something to solve the problem immediately because, in her mind, the Commission caused the problem and she needs her sleep.

Answer: Commissioners should refrain from discussing the project by asking for examples of problems and considering whether the conditions of approval are being met. Instead the Commission can thank the citizen, ask staff to meet with the citizen, and place the item on an upcoming agenda for more detailed consideration. Staff should be encouraged to work directly with the applicant to address the issues of concern as soon as possible.

Standard procedures also include the quality of staff work and the schedule for planning commission packet delivery. If commissioners are expected to provide thorough and diligent services, they need relevant information on a timely basis. If the commissioners seek to support community involvement in planning, then the work has to be organized so that residents can find out what is going on and can make their points of view known. You should feel free to suggest to staff ways to organize and present the information so that it is useful to your decision-making. If you look at the web sites of other cities, you may see ideas for staff reports that you like. And don't hesitate to request that staff reports be written in plain English.

Commissioners should be able to request information that will supplement staff work when they have questions. All such information should be provided to all of the Commissioners, even when requested only by one. You will have a better decision-making process if you ask your questions ahead of time so that staff can do the necessary research. Of course you can ask questions of both staff and applicants at the meeting, but if you wait to raise major issues until the public hearing, you may well end up delaying action when that is not your intention. When information is distributed for the first time during the public hearing, copies should be made available to the public.

ACTING ETHICALLY: Planning Commissions Should Know Where Ethical Guidance Can Be Found

Ethical standards for planners and planning officials have been promulgated by the American Planning Association and the American Institute of Cer-

Ethics ordinances tend to regulate:

1. Activities that require disclosure such as sources of income

2. Behavior that is prohibited



American Planning Association
Texas Chapter

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tified Planners. The text of both is attached. There may also be local ethics ordinances which regulate behavior and although these may pertain to the planning commission. Ethics ordinances tend to regulate two things: activities that require disclosure such as sources of income; and behavior that is prohibited. There may be quite a bit of overlap between the standards of the APA and local ordinances. For example, a prohibition against soliciting or accepting gifts is a common element.

Example: Can a planning commissioner accept a bottle of wine as winter holiday thank you from a local architect?

Answer: Yes. Commissioners should not solicit or accept items of a value great enough to affect their judgment. Items that can easily be consumed fall outside of influencing behavior. The prohibition against taking gifts applies in the circumstances where a reasonable person might think the commissioner's judgment had been impaired. A single bottle of wine is only a token. However, if the architect had a project pending before the Commission, even a single bottle should not be accepted.

Example: Can a planning commissioner accept a case of wine as a winter holiday thank you from a local architect?

Answer: No. See above.

Example: Can a planning commissioner accept two free weeks at a local developer's condo on the beach in California?

Answer: No. See above. Accepting such a posh offer would leave people with the impression that you were indebted to the developer and that your decisions would be affected by your sense of owing something to another person.



Check out the Attorney General's website at www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf for more information.

State Law in Texas Regulates Conflicts of Interest

Planning Commissioners need to be familiar with Chapter 171 of Texas Local Government Code. It governs the conduct of planning officials who make decisions that are more than advisory. The law addresses potential conflicts of interest by local officials. The law seeks to prevent public officials from having dealings with their governmental bodies if they would derive a personal benefit. The law requires disclosure and abstention when it is time to vote if there is a substantial financial interest.

Texas Local Government Code Chapter 171 defines substantial interest as:

(a) Owning 10% or more of the voting stock or shares or an ownership of



- \$15,000 or more of the fair market value of the business;
- (b) Receiving funds from the business exceeding 10 percent of the commissioner's gross income from the previous year;
- (c) Having an interest in real property that is either equitable or legal ownership with a fair market value of \$2500 or more;
- (d) Being related by marriage or ancestry or affinity to someone who has an interest as described above.

The national codes of APA and AICP also address conflict of interest, but call for a higher standard — even the appearance of a conflict of interest should be avoided. Sources of financial conflict-of-interest can also include loans and gifts as well as a less than direct financial benefit.

Example: A realtor sits on the Planning Commission and from time-to-time, his broker appears before the Planning Commission to seek a zoning change on behalf of a client. Can the realtor vote on these requests?

Answer: According to the APA's Statement of Ethical Principles, because securing a change in the zoning is often a contract contingency, the realtor has a financial interest in working for a successful broker. The realtor should declare the potential conflict of interest and not participate in the discussion. However, according to Texas Law, this would not be a conflict of interest.

But laws are only minimum standards. The laws define what one must (or must not) do, not what one ought to do.

Sometimes Planning Commissioners overlook disclosure obligations related to charitable fundraising. The theory is that the public has a right to know if someone is contributing to your favorite causes. The assumption is that the donations are made to establish a special relationship with you. Or worse, what if a donor believes that if she or he fails to give, there will be negative consequences? As a Planning Commissioner, you need to be sensitive to these issues. Charitable donations can also be viewed as a version of "pay to play." That perception is damaging to the public's faith in the fairness of your decision-making.

Planning Commissions Should Adopt Ethical Standards

Your community should know that you have ethical principles that will be used in decision-making. These standards may already be in place (local ordinances and charter) or you may need to draft and adopt them. The APA

Additional guidance can also be derived from your local ethics ordinances. In the case of one Texas city, the Municipal Code states:

It is the policy of the City of that all city officials and employees shall act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City and the public trust which it holds.

That kind of a standard would prohibit voting by the realtor in a rezoning request made by his or her broker.

Statement of Ethical Principles has already been suggested for consideration. In summary, the Statement identifies the following ethical principles:

A. Serve the public interest.

1. Recognize the rights of citizens to participate in planning decisions.
2. Give citizens full, clear, and accurate information.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Strive to achieve high standards of integrity and proficiency.

1. Exercise fair, independent, and honest judgment.
2. Publicly disclose any personal interests.
3. Define personal interest broadly.
4. Abstain from participation in a matter in which you have a personal interest and leave the chamber when the matter is being deliberated.
5. Seek no gifts or favors.
6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
7. Serve as advocates only when the objectives are legal and serve the public interest.
8. Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker except after full disclosure and in no circumstance earlier than one year following termination of the role as advisory or decision maker.
9. Not use confidential information to further a personal interest.
10. Not disclose confidential information.
11. Not misrepresent facts or distort information.
12. Not participate in any matter unless prepared.
13. Respect the rights of all persons.

These principles are aspirational in nature and they seek to inspire voluntary commitment through appeals to conscience. They are a positive obligation. There are no sanctions for failing to comply nor is there any regulatory scheme.



If APA's Statement seems too detailed for your community, you can always consider something shorter. A quick check of the web will turn up a number of examples. Another example is provided in Attachment F. It deals in behavior and not outcomes and includes no prohibitions. Instead, it focuses how one behaves based on values. Adoption of this type of an ethics statement could promote healthy dialogue among the Commission. At the other end of the continuum we have the following statement adopted by another Planning Commission as their own version of a Statement of Ethical Principles:

We listen carefully to applicants and the community while collaborating effectively with staff to achieve sound decisions and recommendations to the City Council. We demonstrate a commitment to the highest standards of fairness and honesty.

In reality, the actual language finally adopted is less important than the discussion that will surround the adoption. A conversation with planning colleagues will clarify points of differing interpretation. Adopting ethical standards will also advise the community that there are principles upon which they can rely. Indirectly, you will be putting people on notice that certain forms of conduct are not acceptable. Finally, once you have an adopted statement of ethical principles, it can easily eliminate the need for debate about personalities or individual proclivities. A short statement can simply be made referring to the adopted Statement and how it either encourages or precludes certain forms of conduct.

The Decisions Made by Planning Commissions Should Reflect the Adopted Ethical Principles

Planning commissions should be attentive to every point of view laid out at a commission meeting: property owner rights; equitable procedures; opinions of residents; and sustaining the environment, etc. To sort through the plethora of information and arrive at the best decision, the commissioner needs to ask herself "What decision will promote the entire community's best interest over time?"

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Commissioners should also be attentive to the integrity of the planning process. Decisions should be based upon full information. This information should be discussed in an open forum where it can be debated. Certainly planning reports, studies, and other records should be available to persons on either (or any) side of an issue. Other meetings or communications a commissioner may have received which are related to a proposed decision must be



noted at a public hearing to ensure full information, comments, and rebuttals as appropriate. If a Commission conducts its business in a consistent and open manner, then the community will have more faith in the process.

Applicants Deserve Fair Decisions Made in an Un-biased Manner

Basic common law provides that Commissioners exercise the power of office for the benefit of the public and not for their private interests. The Constitution lays out due process principles that require the decision-makers to be fair and impartial when sitting in a quasi-judicial capacity on matters such as variances which require findings to be made.

What constitutes bias? Bias arises from having a personal or financial interest in the outcome. For example, one court found a council member was biased and should not have participated in a decision about new construction which would block the member's view of the ocean. There could be a personal bias based on well-known animosity toward an individual. Strong personal loyalty could also constitute a bias. If, for example, your best friend since kindergarten applied for a variance to the setbacks for her home, you could be perceived as biased in favor of the proposal. Another form of bias could come from your belief system or ideology. A Commissioner might find a proposal to approve a Conditional Use Permit for a Planned Parenthood clinic provoking a strong reaction if the Commissioner opposed education about contraception for teenagers or abortions. Another form of bias can result when information received outside of the meeting influences your thinking. All communications about the project (pro and con) should occur in the context of the noticed hearing. See the discussion of ex-parte communications which immediately follows.

Ex-parte communications

Ex-parte communications are those that occur outside of the formal meeting. These kinds of communications can undermine your efforts to establish a reputation for Planning Commission fairness.

Some Planning Commissioners insist that they are comfortable with receiving communications from the projects' neighbors or other concerned citizens. They believe being open to community input is part of their job. Those members explain that they report the ex-parte communications prior to the beginning of the official meeting. But disclosing may not be enough. You can't easily convey the full text of information received or the way you may have

Why is it a problem when information is communicated to you outside of a meeting?

- Not everyone has the same information
- The applicant cannot respond, if accusations are made
- You can't readily assess the accuracy of the information by seeking confirmation from staff
- It violates the perceived fairness of process if special information has been conveyed to a subset of the board membership

been influenced.

Site visits are a form of ex-parte communication. However, they are desirable. They can take the form of individuals driving by a site, or exploring it alone on foot. Some communities chose to organize group visits with staff. Because you may have a quorum of Planning Commissioners present, such site visits should be posted as a public meeting. Staff should prepare a brief write up of the visit for the public record. While on the site, board members should maintain an open-minded frame of mind and refrain from offering opinions to the property owner who is likely to be present.

Example: Can a planning commissioner receive information or explanations from an applicant outside of the regular meeting?

Answer: If the information is designed to influence the thinking of the Commissioner, the information should be presented in a public meeting. It should be in writing and should be part of the official public record.

Commissioners must give serious consideration to stepping aside and not participating when reviewing projects if they have listened to community input and have already determined the proper outcome in advance of receiving the evidence.

Serial Meetings

A serial meeting occurs when a series of communications among board members results in a debate and discussion of a pending item or policy. Serial meetings may be prohibited by state or local ethics codes. Whether precluded or not, they should be avoided. Serial meetings are the product of high technology, particularly e-mail. Meetings where decisions are made have to be conducted in public. E-mails about pending matters should be avoided.

Example: Can the staff send a notice to all the Planning Commission advising them that a long desired development project has been dropped from the agenda at the request of the applicant?

Answer: Yes. No discussion of pros or cons should be undertaken. No replies should be sent.

Example: Can planning commissioners send e-mails using the "reply to all" feature speculating why the applicant made the decision and what, if anything, the commission can do as a group to help get the project back on track?



Social Media and Serial Meetings:

The general rule is that a majority of the Planning Commissioners cannot use the Internet to communicate with each other about Planning Commission business. Many web sites present information or ask questions and individuals make comments or ask questions which are called postings. Multiple Commissioners cannot post or comment on others postings on Planning Commission business. If they do, then they are debating the public's business outside of the public meeting. This is a no-no. This does not mean that one-way communications like blogs are limited. Blogging can be a good way to get the work out, especially in a time of declining newspaper readership.



Answer: No. The commission would be discussing a topic with the intention of arriving at a consensus to guide future public action outside of a public meeting.

Separate communications with decision-makers to answer questions are acceptable. But those communications cannot have content which includes information about the position of other decision-makers. Commissioners should avoid all forms of communication that could result in an agreement by the Commission or a subset of Commissioners about what to do outside of a public meeting. This guidance does not preclude Commissioners from being present at the same social event or attending a training conference. It simply means that while at those events the Commissioners cannot meet to discuss the public's business.

Exchanging Votes

We've already covered the ethical standards that prohibit Planning Commissioners from soliciting or receiving bribes/gifts in exchange for their votes. Commissioners cannot give their vote in exchange for another public official's vote. Vote trading is a form of quid pro quo (this for that). Engaging in this kind of behavior compromises the decision-making process. Outcomes other than what is best for the public are being treated as what's most important when votes are traded.

Civility

It is to be expected that people will disagree about planning projects. The disagreement itself is not a bad thing; it is how the disagreement is expressed that holds the potential for problems. Many issues that come before the Planning Commission will involve controversy. But if it appears that the personalities and not the merits of the proposal are holding sway, the public will rightly doubt the wisdom of the outcome. The City of Collinsville (See Attachment C) has adopted procedures calling for civil conduct and outlining what will happen when there is a lack of order. See excerpts below.

Article 16: Conduct of Persons Before the Planning Commission

- *During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to "disregard" the comment, which nevertheless may, at the discretion of the board, remain in the public record.*

- *During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.*
- *During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.*

The advantages of having these procedures in place ahead of time is that it saves people the stress of trying to decide in the middle of an especially angry and contentious meeting what to do next. It also sets a reasonable standard to which Commissioners can refer when the shouting and the insults become untenable. Ejecting people should be avoided if at all possible, especially because law enforcement personnel rarely attend Planning Commission meetings. Nonetheless, there are occasions when the Police should be invited to attend and be prepared to “invite” unruly members of the public to leave the Planning Commission meeting chambers. For example, you may have residents with mental health issues attending meetings and threatening those who disagree with them. In one City, vague threatening statements were made at a neighborhood meeting. At the end of the meeting, when City staff left, they learned that all of their cars had been keyed. When people don’t feel safe or respected at meetings, it is appropriate to take actions to restore civility. If it is a group rather than an individual causing the disruption, then the room may be cleared. Members of the media must be allowed to stay. Discussion can only take place on items posted on the agenda.

Besides removing disruptive individuals, another way to encourage civil behavior is for the Planning Commissioners to lead by example. If the Commission consistently demonstrates courtesy and respect it can help to tone down some of the rhetoric. Put simply, the Commission must avoid criticism of individuals and their motivations. The Commission’s deliberations must focus on the merit of the proposal. While the Planning Commission Chair





can encourage everyone to behave in a civil manner, the Chair cannot stop people from expressing their opinions or criticizing the action of the Commission or others.

The Commission's agenda must provide an opportunity for the public to address the Commission on any item of interest to the public within the Commission's jurisdiction. The Planning Commission may adopt reasonable regulations to ensure that everyone has an opportunity to be heard in an orderly manner. This includes time limits which can help ensure that the Commission can complete its work. The time limits should not be so short that the public's position cannot be readily understood, for example thirty seconds.

Individual Planning Commissioners Should Be Prepared to Address Ethical Challenges

Most ethical challenges fall into one of two categories: Balancing two things that are both right or doing the right thing even when it may be costly to you personally or politically. For example, you might feel an ethical challenge when doing the right thing might jeopardize your appointed position – voting against a project championed by the Mayor. Or a vote may jeopardize a valued personal relationship. While it may be a hard decision, it is also easy in the sense that the right thing to do is obvious. It is accepting the cost which is onerous. Ethical provisions require that you do what is best for the public interest. This responsibility trumps your own personal interests and friendships. The other kinds of ethical challenges – deciding between competing public good or two rights – are more difficult. The one right thing to do is not so obvious. Should you approve a project that will generate badly needed additional sales tax revenue even though it will increase traffic impacting residents when there are no feasible mitigations?

Here are several steps to follow to help resolve and ethical problem.

1. Stop and define the problem. Avoid the temptation to go along to get along. Take the time to make sure you can clearly express, at least to yourself, what are your misgivings.
2. Collect the facts. Who is involved? How credible is the information you've been offered? How reliable are the people providing information? And is the information complete?



3. Refer to your guidance material. Whatever principles or codes or ordinances apply to your work, know what the recommendations are and how they would be applied.

4. Generate alternative courses of action and decide if they would have better probable outcomes. You can ask people individually or in a public setting, ask the Commission Chair to address the problem, or request a memo from the staff. When you have a list of alternatives, look for the ones that can help solve the problem while building ethical bridges to the rest of the commission.

5. Act on the best alternative. The best alternative reflects fulfilling your commitment to serve the public interest, doing the right thing, and minimizing the potential cost of following the right course.

Example: You have observed two members of the commission, in public meetings, urge the staff to waive the criteria for a variance to the subdivision standards for certain members of the development community. The commission usually goes along.

Answer: Using the above guidelines:

1. Stop and define the problem. Long time developers are receiving preferential treatment and are being granted variances to the subdivision standards without meeting the criteria.
2. Collect the facts. You always take detailed notes of the Commission's debate. Within the past six months, only two developers and all of their projects have been the subject of requests of staff by the same two commissioners. Each time, the argument is made to waive standards to support economic development and encourage homebuilding. Some of the waivers are minor; others are significant. But in each case, they are lobbying for the approval of subdivisions that are sub-standard.
3. Refer to guidance material. The APA Statement of Ethical Principles states that those who participate in the planning process should "Exercise fair, honest, and independent judgment." You believe the Commissioners are failing to achieve this standard and the credibility of the Commission has been affected.
4. Generate alternatives. Talk to the Chair of the Planning Commission. Talk to the two Planning Commissioners. Request a briefing from staff of the formal process of seeking variances and waivers. Invite a representative from the Texas Chapter of APA to discuss the potential long-term costs of waiving certain subdivision standards.



5. Act on the best alternative. You decide to talk to the Chair of the Planning Commission because this option doesn't preclude other actions if your conversation is not productive. It is your hope that together the two of you can approach the other Commissioners.

With all of the information provided in this chapter, it should feel more comfortable to answer the questions posed at the beginning of the Chapter.

Question: **Can I meet individually with applicants to hear about their project?**

Answer: _____

Question: **Should I take a tour of a project site with an applicant?**

Answer: _____

Question: **Can I discuss pending development projects at my neighborhood association meeting?**

Answer: _____

Question: **Can friends and neighbors offer me their opinions about pending projects?**

Answer: _____

Question: **What happens when my best friend has a project before the Planning Commission?**

Answer: _____

Question: **How can I do my job as a Planning Commissioner in a way that promotes fairness and objectivity?**

Answer: _____

WHEN YOU HAVE SERIOUS CONCERNS ABOUT ETHICAL MISCONDUCT

What can you do when there are ethical violations that taint the public planning process? When you notice a consistent pattern of unethical behavior and simple, direct remedies have failed, it may be time to consult with others who can bring to bear the influence of another entity.



In the case of alleged unethical conduct by a certified professional planner (AICP), you can conduct the Professional Development Officer of the APA Texas Chapter regarding a general question about accepted standards for behavior. To make a specific complaint, you should contact the Executive Director of the American Planning Association who serves as the Ethics Officer for the American Institute of Certified Planners. Contact information for these individuals is available on the Texas Chapter website: www.txplanning.org or that of the APA www.planning.org. Your peers from another jurisdiction can also be helpful in sorting out the issues and alternatives. This is particularly true when you have concerns about the conduct of a planner and you are not quite ready to consult with others.

What if the perceived problem lies with a fellow Commissioner or an elected official? You have a responsibility to act quickly to address ethical problems before they become scandals. It is often useful to assemble collective wisdom. The following steps include some from a publication from the Institute for Local Government :

You have a responsibility to act quickly to address ethical problems before they become scandals.

1. Define and problem.
2. Collect the facts.
3. Determine the consequences of ignoring the situation.
4. Speak with others. See if they share your concerns. Do not gossip, but instead frame the conversation in terms of what needs to be done (if anything) to respond to the challenge.
5. Determine if an investigation is warranted.
6. Determine whether to contact external authorities.
7. Figure out what can be done to prevent a similar situation from occurring in the future.

These recommendations are not made lightly but with the full recognition that confronting problematic behavior may involve personal costs. Conversations can damage relationships. That's why it's best to begin with a one-on-one approach clarifying your understanding and, if things are as bad as you fear, helping a colleague to understand what can happen if the conduct does not change. By encouraging a colleague to refrain from the behavior, you are seeking to spare both the colleague as well as the City the embarrassment that will likely result. Depending on the magnitude of the transgression, you might choose to encourage the Commissioner to talk to an attorney. You



can use the approach of confirming from an independent party the possible expenses that may accrue from continuing to flout the law. When you hear that the behavior is protected because no one will find out, debate that premise loudly. With all of the ways people can follow actions by Commissioners whether public or private, that strategy is bound to fail. Don't be surprised if the response remains guarded or even denial. As mentioned earlier, we all have an enormous capacity for believing that we are honest and ethical individuals and hence, our conduct is also upright.

It is a difficult lesson to learn, but nonetheless true that you as an individual will be judged by the conduct of the other Commissioners. You must be prepared to not only act ethically on your own, but also to hold others accountable when they fail to do so.

Ultimately, an ethical commissioner must be prepared to consider whether events are of such a serious nature as to require resignation to avoid guilt by association. Conversely, the Commissioner may decide, upon reflection, to maintain a lonely outpost as the ethical beacon. The lone Commissioner can be effective in a number of simple ways. One could request that the APA Statement of Ethical Principles be placed on an agenda of the Commission. A discussion can then occur without appearing to judge any individual(s). The Commissioner could request training on ethics as a part of the overall development program for volunteers. Even without bringing these outside resources to the table, consistently ethical actions by one Commissioner will, over time, raise the ethical consciousness of the entire Planning Commission for the benefit of the whole community.

What Happens When a Planning Commission Operations Unethically?

Most city attorneys will tell you that you will not be defended if you have violated the law.

There can be serious consequences for misconduct. If the administrative decision is tainted, it can be set aside. New proceedings are then required. An individual who fails to avoid conflicts of interest can lose her/his position on the Commission. If the ethical failing rises to the level of a charge of violating someone's due process rights under the constitution, there could be a lawsuit and damages awarded. Most city attorneys will tell you that you will not be defended if you have violated the law. The cost of the proceedings will have to be borne by the individual Planning Commissioners.



THE TAKEAWAY MESSAGE

Ethics for Planning Commissions is not an introspective process. You can be absolutely confident that you have put your personal interest aside, but the public may still question loudly whether that is true. Experienced Planning Commissioners know that the public's perception matters when you make your determination of what the right thing to do is. This does not mean yielding to prejudice or the loudest voice. Your responsibility remains to do what is best for your community, even if it is an unpopular choice. If you act on your best judgment (and leave outside the meeting room your personal or political or job-related interests), you will have solved 99% of the ethical conundrums. You can encourage ethical behavior simply by bringing the issue up. You and the other Commissioners should analyze issues for their ethical implications and have a shared understanding of how these issues should be addressed.

If you have taken the time to read to the end of this Chapter, you are ahead of the game!

Ethical Planning Commissioners:

1. Are clear about the behavior they demand of themselves and expect from others.
2. Promote an ethical culture within the Planning Commission and the community where they serve.
3. Have a strategy ready for dealing with ethical issues if they arise.



ATTACHMENT A

Ethical Principles in Planning (As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:



1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

6. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
7. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should



be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

8. Not use confidential information acquired in the course of their duties to further a personal interest;
9. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
10. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
11. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
12. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;



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Texas Chapter

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11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.



ATTACHMENT B

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005

Effective June 1, 2005

Revised October 3, 2009

The Executive Director of APA/AICP is the Ethics Officer as referenced in the following.

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct. Our Code is divided into four sections:

Section A contains a statement of aspirational principles that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.

Section B contains rules of conduct to which we are held accountable. If we violate any of these rules, we can be the object of a charge of misconduct and shall have the responsibility of responding to and cooperating with the investigation and enforcement procedures. If we are found to be blameworthy by the AICP Ethics Committee, we shall be subject to the imposition of sanctions that may include loss of our certification.

Section C contains the procedural provisions of the Code. It (1) describes the way that one may obtain either a formal or informal advisory ruling, and (2) details how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

Section D contains procedural provisions that govern situations in which a planner is convicted of a serious crime.

The principles to which we subscribe in Sections A and B of the Code derive from the special responsibility of our profession to serve the public interest with compassion for the welfare of all people and, as professionals, to our obligation to act with high integrity.

As the basic values of society can come into competition with each other, so can the aspirational principles we espouse under this Code. An ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.

As Certified Planners, all of us are also members of the American Planning Association and share in the



goal of building better, more inclusive communities. We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make to our employers and clients, our fellow professionals, and all other persons whose interests we affect.

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

- a) We shall always be conscious of the rights of others.
- b) We shall have special concern for the long-range consequences of present actions.
- c) We shall pay special attention to the interrelatedness of decisions.
- d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.
- e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.
- f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.
- g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.
- h) We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

2. Our Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest.



- a) We shall exercise independent professional judgment on behalf of our clients and employers.
- b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.
- c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

- a) We shall protect and enhance the integrity of our profession.
- b) We shall educate the public about planning issues and their relevance to our everyday lives.
- c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.
- d) We shall share the results of experience and research that contribute to the body of planning knowledge.
- e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
- f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.
- g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.
- h) We shall continue to enhance our professional education and training.
- i) We shall systematically and critically analyze ethical issues in the practice of planning.



- j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

B: Our Rules of Conduct

We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.
3. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith after consultation with other qualified professionals that our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.
4. We shall not, as salaried employees, undertake other employment in planning or a related profession, whether or not for pay, without having made full written disclosure to the employer who furnishes our salary and having received subsequent written permission to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.
5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.
7. We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer. Nor shall we disclose such confidential information except when (1) required by process of law, or (2) required to prevent a clear violation of law, or (3) required to prevent a substantial injury to the public. Disclosure pursuant to (2) and (3) shall not be made until after we have verified the facts and issues involved and, when practicable, exhausted efforts to obtain reconsideration of the matter and have sought separate opinions on the issue from other qualified professionals employed by our client or employer.
8. 8. We shall not, as public officials or employees, engage in private communications with planning pro-



cess participants if the discussions relate to a matter over which we have authority to make a binding, final determination if such private communications are prohibited by law or by agency rules, procedures, or custom.

9. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.
12. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
13. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.
14. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.
15. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
16. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
17. We shall not use the product of others' efforts to seek professional recognition or acclaim intended for producers of original work.
18. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.
20. We shall not unlawfully discriminate against another person.
21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.
22. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
23. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.
24. We shall not file a frivolous charge of ethical misconduct against another planner.
25. We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.
26. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First Class Mail if we are convicted of a "serious crime" as defined in Section D of the Code; nor immediately



following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section D of the Code.

C: Our Code Procedures

1. Introduction

In brief, our Code Procedures (1) describe the way that one may obtain either a formal or informal advisory ethics ruling, and (2) detail how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

2. Informal Advice

All of us are encouraged to seek informal ethics advice from the Ethics Officer. Informal advice is not given in writing and is not binding on AICP, but the AICP Ethics Committee shall take it into consideration in the event a charge of misconduct is later filed against us concerning the conduct in question. If we ask the Ethics Officer for informal advice and do not receive a response within 21 calendar days of our request, we should notify the Chair of the Ethics Committee that we are awaiting a response.

3. Formal Advice

Only the Ethics Officer is authorized to give formal advice on the propriety of a planner's proposed conduct. Formal advice is binding on AICP and any of us who can demonstrate that we followed such advice shall have a defense to any charge of misconduct. The advice will be issued to us in writing signed by the Ethics Officer. The written advice shall not include names or places without the written consent of all persons to be named. Requests for formal advice must be in writing and must contain sufficient details, real or hypothetical, to permit a definitive opinion. The Ethics Officer has the discretion to issue or not issue formal advice. The Ethics Officer will not issue formal advice if he or she determines that the request deals with past conduct that should be the subject of a charge of misconduct. The Ethics Officer will respond to requests for formal advice within 21 days of receipt and will docket the requests in a log that will be distributed on a quarterly basis to the Chair of the AICP Ethics Committee. If the Ethics Officer fails to furnish us with a timely response we should notify the Chair of the AICP Ethics Committee that we are awaiting a response.

4. Published Formal Advisory Rulings

The Ethics Officer shall transmit a copy of all formal advice to the AICP Ethics Committee. The Committee, from time to time, will determine if the formal advice provides guidance to the interpretation of the Code and should be published as a formal advisory ruling. Also, the Ethics Committee has the authority to draft and publish formal advisory rulings when it determines that guidance to interpretation of the Code is needed or desirable.

5. Filing a Charge of Misconduct



Any person, whether or not an AICP member, may file a charge of misconduct against a Certified Planner. A charge of misconduct shall be made in a letter sent to the AICP Ethics Officer. The letter may be signed or it may be anonymous. The person filing the charge is urged to maintain confidentiality to the extent practicable. The person filing the charge should not send a copy of the charge to the Certified Planner identified in the letter or to any other person. The letter shall accurately identify the Certified Planner against whom the charge is being made and describe the conduct that allegedly violated the provisions of the Rules of Conduct. The person filing a charge should also cite all provisions of the Rules of Conduct that have allegedly been violated. However, a charge will not be dismissed if the Ethics Officer is able to determine from the facts stated in the letter that certain Rules of Conduct may have been violated. The letter reciting the charge should be accompanied by all relevant documentation available to the person filing the charge. While anonymously filed charges are permitted, anonymous filers will not receive notification of the disposition of the charge. Anonymous filers may furnish a postal address in the event the Ethics Officer needs to reach them for an inquiry.

6. Receipt of Charge by Ethics Officer

The Ethics Officer shall maintain a log of all letters containing charges of misconduct filed against Certified Planners upon their receipt and shall transmit a quarterly report of such correspondence to the Chair of the Ethics Committee. Within two weeks of receipt of a charge, the Ethics Officer shall prepare a cover letter and transmit the charge and all attached documentation to the named Certified Planner, who shall be now referred to as “the Respondent.” The Ethics Officer’s cover letter shall indicate whether the Ethics Officer expects the Respondent to file a “preliminary response” or whether the Ethics Officer is summarily dismissing the charge because it is clearly without merit. A copy of the cover letter will also be sent to the Charging Party, if identified. If the cover letter summarily dismisses the charge, it shall be sent to an identifiable Charging Party by receipted Certified Mail. The Charging Party will have the right to appeal the summary dismissal as provided in Section 11. After the Ethics Officer has received a charge, the Charging Party may withdraw it only with the permission of the Ethics Officer. After receiving a charge, the Ethics Officer shall have a duty to keep an identified Charging Party informed of its status. If an identified Charging Party has not received a status report from the Ethics Officer for 60 calendar days, the Charging Party should notify the Chair of the AICP Ethics Committee of the lapse.

7. Right of Counsel

A planner who receives a charge of misconduct under a cover letter requesting a preliminary response should understand that if he or she desires legal representation, it would be advisable to obtain such representation at the earliest point in the procedure. However, a planner who elects to proceed at first without legal representation will not be precluded from engaging such representation at any later point in the procedure.

8. Preliminary Responses to a Charge of Misconduct

If the Ethics Officer requests a preliminary response, the Respondent shall be allowed 30 calendar days



from receipt of the Ethics Officer's letter to send the response to the Ethics Officer. The Ethics Officer will grant an extension of time, not to exceed 15 calendar days, if the request for the extension is made within the 30 day period. Failure to make a timely preliminary response constitutes a failure to cooperate with the Ethics Officer's investigation of the charge. A preliminary response should include documentation, the names, addresses and telephone numbers of witnesses, and all of the facts and arguments that counter the charge. Because the motivation of the person who filed the charge is irrelevant, the Respondent should not discuss it. The Ethics Officer will send a copy of the preliminary response to the Charging Party, if identified, and allow the Charging Party 15 calendar days from the date of receipt to respond.

9. Conducting an Investigation

After review of the preliminary response from the Respondent and any counter to that response furnished by an identified Charging Party, or if no timely preliminary response is received, the Ethics Officer shall decide whether an investigation is appropriate. If the Ethics Officer determines that an investigation should be conducted, he or she may designate a member of the AICP staff or AICP counsel to conduct the investigation. The Respondent must cooperate in the investigation and encourage others with relevant information, whether favorable or unfavorable, to cooperate. Neither the Ethics Officer, nor designee, will make credibility findings to resolve differing witness versions of facts in dispute.

10. Dismissal of Charge or Issuance of Complaint

If, with or without an investigation, the charge appears to be without merit, the Ethics Officer shall dismiss it in a letter, giving a full explanation of the reasons. The dismissal letter shall be sent to the Respondent and the Charging Party by receipted Certified Mail. If, however, the Ethics Officer's investigation indicates that a Complaint is warranted, the Ethics Officer shall draft a Complaint and send it to the Respondent by receipted Certified Mail, with a copy to the Charging Party. The Complaint shall consist of numbered paragraphs containing recitations of alleged facts. Following the fact paragraphs, there shall be numbered paragraphs of alleged violations, which shall cite provisions of the Rules of Conduct that the Ethics Officer believes are implicated. The allegations in the Complaint shall be based on the results of the Ethics Officer's investigation of the charge and may be additional to, or different from, those allegations initially relied upon by the Charging Party. The Ethics Officer shall maintain a log of all dismissals and shall transmit the log on a quarterly basis to the Chair of the Ethics Committee.

11. Appeal of Dismissal of Charge

Identified Charging Parties who are notified of the dismissal of their ethics charges shall have 30 calendar days from the date of the receipt of their dismissal letters to file an appeal with the Ethics Committee. The appeal shall be sent to the Ethics Officer who shall record it in a log and transmit it within 21 calendar days to the Ethics Committee. The Ethics Committee shall either affirm or reverse the dismissal. If the dismissal is reversed, the Ethics Committee shall either direct the Ethics Officer to conduct a



further investigation and review the charge again, or issue a Complaint based on the materials before the Committee. The Ethics Officer shall notify the Charging Party and the Respondent of the Ethics Committee's determination.

12. Answering a Complaint

The Respondent shall have 30 calendar days from receipt of a Complaint in which to file an Answer. An extension not to exceed 15 calendar days will be granted if the request is made within the 30 day period. In furnishing an Answer, the Respondent is expected to cooperate in good faith. General denials are unacceptable. The Answer must specifically admit or deny each of the fact allegations in the Complaint. It is acceptable to deny a fact allegation on the ground that the planner is unable to verify its correctness, but that explanation should be stated as the reason for denial. The failure of a Respondent to make a timely denial of any fact alleged in the Complaint shall be deemed an admission of such fact. The Ethics Officer may amend a Complaint to delete any disputed fact, whether or not material to the issues. The Ethics Officer also may amend a Complaint to restate fact allegations by verifying and adopting the Respondent's version of what occurred. The Ethics Officer shall send the Complaint or Amended Complaint and the Respondent's Answer to the Ethics Committee with a copy to an identified Charging Party. The Ethics Officer shall also inform the Ethics Committee if there are any disputed material facts based on a comparison of the documents.

13. Conducting a Hearing

a) If the Ethics Officer notifies the Ethics Committee that material facts are in dispute or if the Ethics Committee, on its own, finds that to be the case, the Chair of the Committee shall designate a "Hearing Official" from among the membership of the Committee. At this point in the process, the Ethics Officer, either personally or through a designated AICP staff member or AICP counsel, shall continue to serve as both Investigator-Prosecutor and as the Clerk serving the Ethics Committee, the Hearing Official and the Respondent. In carrying out clerical functions, the Ethics Officer, or designee, may discuss with the Ethics Committee and the Hearing Official the procedural arrangements for the hearing. Until the Ethics Committee decides the case, however, the Ethics Officer or designee shall not discuss the merits of the case with any member of the Committee unless the Respondent is present or is afforded an equal opportunity to address the Committee member.

b) The Ethics Officer shall transmit a "Notice of Hearing" to the Respondent, the Hearing Official and an identified Charging Party. The hearing shall normally be conducted in the vicinity where the alleged misconduct occurred. The Notice will contain a list of all disputed material facts that need to be resolved. The hearing will be confined to resolution of those facts. There shall be no requirement that formal rules of evidence be observed.

c) The Ethics Officer will have the burden of proving, by a preponderance of the evidence, that misconduct occurred. The Ethics Officer may present witness testimony and any other evidence relevant



to demonstrating the existence of each disputed material fact. The Respondent will then be given the opportunity to present witness testimony and any other evidence relevant to controvert the testimony and other evidence submitted by the Ethics Officer. The Ethics Officer may then be given an opportunity to present additional witness testimony and other evidence in rebuttal. All witnesses who testify for the Ethics Officer or the Respondent shall be subject to cross-examination by the other party. The Hearing Official shall make an electronic recording of the hearing and shall make copies of the recording available to the Ethics Officer and the Respondent.

d) At least 30 calendar days before the hearing, the Ethics Officer and the Respondent shall exchange lists of proposed witnesses who will testify, and copies of all exhibits that will be introduced, at the hearing. There shall be no other discovery and no pre-hearing motions. All witnesses must testify in person at the hearing unless arrangements can be made by agreement between the Respondent and the Ethics Officer prior to the hearing, or by ruling of the Hearing Official during the hearing, to have an unavailable witness's testimony submitted in a video recording that permits the Hearing Official to observe the demeanor of the witness. No unavailable witness's testimony shall be admissible unless the opposing party was offered a meaningful opportunity to cross-examine the witness. The hearing shall not be open to the public. The Hearing Official shall have the discretion to hold open the hearing to accept recorded video testimony of unavailable witnesses. The Respondent will be responsible for the expense of bringing his or her witnesses to the hearing or to have their testimony video recorded. Following the closing of the hearing, the Hearing Official shall make findings only as to the disputed material facts and transmit the findings to the full Ethics Committee, the Ethics Officer, and the Respondent. The Hearing Official, prior to issuing findings, may request that the parties submit proposed findings of fact for his or her consideration.

14. Deciding the Case

The Ethics Committee (including the Hearing Official member of the Committee) shall resolve the ethics matter by reviewing the documentation that sets out the facts that were not in dispute, any fact findings that were required to be made by a Hearing Official, and any arguments submitted to it by the Respondent and the Ethics Officer. The Ethics Officer shall give 45 calendar days' notice to the Respondent of the date of the Ethics Committee meeting during which the matter will be resolved. The Ethics Officer and the Respondent shall have 21 calendar days to submit memoranda stating their positions. The Ethics Officer shall transmit the memoranda to the Ethics Committee no later than 15 calendar days prior to the scheduled meeting. If the Committee determines that the Rules of Conduct have not been violated, it shall dismiss the Complaint and direct the Ethics Officer to notify the Respondent and an identified Charging Party. If the Ethics Committee determines that the Ethics Officer has demonstrated that the Rules of Conduct have been violated, it shall also determine the appropriate sanction, which shall either be a reprimand, suspension, or expulsion. The Ethics Committee shall direct the Ethics Officer to notify the Respondent and an identified Charging Party of its action and to draft a formal explanation of its decision and the discipline chosen. Upon approval of the Ethics Committee, the expla-



nation and discipline chosen shall be published and titled “Opinion of the AICP Ethics Committee.” The determination of the AICP Ethics Committee shall be final.

15. Settlement of Charges

a) Prior to issuance of a Complaint, the Ethics Officer may negotiate a settlement between the Respondent and an identified Charging Party if the Ethics Officer determines that the Charging Party has been personally aggrieved by the alleged misconduct of the Respondent and a private resolution between the two would not be viewed as compromising Code principles. If a settlement is reached under such circumstances, the Charging Party will be allowed to withdraw the charge of misconduct.

b) Also prior to issuance of a Complaint, the Ethics Officer may enter into a proposed settlement agreement without the participation of an identified Charging Party. However, in such circumstances, the proposed settlement agreement shall be contingent upon the approval of the Ethics Committee. An identified Charging Party will be given notice and an opportunity to be heard by the Ethics Committee before it votes to approve or disapprove the proposed pre-Complaint settlement.

c) After issuance of a Complaint by the Ethics Officer, a settlement can be negotiated solely between the Ethics Officer and the Respondent, subject to the approval of the Ethics Committee without input from an identified Charging Party.

16. Resignations and Lapses of Membership

If an AICP member who is the subject of a Charge of Misconduct resigns or allows membership to lapse prior to a final determination of the Charge (and any Complaint that may have issued), the ethics matter will be held in abeyance subject to being revived if the individual applies for reinstatement of membership within two years. If such former member, however, fails to apply for reinstatement within two years, the individual shall not be permitted to reapply for certification for a period of 10 years from the date of resignation or lapse of membership. If the Ethics Officer receives a Charge of Misconduct against a former member, the Ethics Officer shall make an effort to locate and advise the former member of the filing of the Charge and this Rule of Procedure.

17. Annual Report of Ethics Officer

Prior to January 31 of each calendar year the Ethics Officer shall publish an Annual Report of all ethics activity during the preceding calendar year to the AICP Ethics Committee and the AICP Commission. The AICP Commission shall make the Annual Report available to the membership.

D: Planners Convicted of Serious Crimes — Automatic Suspension of Certification

1. Automatic Suspension Upon Conviction for “Serious Crime”

We acknowledge that if we are convicted of a “serious crime,” our certification and membership shall be automatically suspended indefinitely. The automatic suspension applies whether the conviction result-



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ed from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A “serious crime” shall include any crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns or to pay the tax, deceit, bribery, extortion, misappropriation, theft, conflict of interest, or an attempt to or a conspiracy or solicitation of another to commit a “serious crime.”

2. Duty to Notify Ethics Officer When Convicted of “Serious Crime.”

As required by Rule of Conduct 26, in Section B of the Code, we shall notify the Ethics Officer both by receipted Certified and Regular First Class Mail if we are convicted of a “serious crime” as defined in Paragraph 1. We understand that failure to do so shall result in a delay in the commencement of the one year waiting period for filing reinstatement petitions as provided for in Paragraph 3.

3. Petition for Reinstatement of Certification and Membership

Upon learning of the conviction of a Certified Planner for a serious crime, the Ethics Officer shall send the convicted individual by receipted Certified and Regular First Class Mail to the last address of record a Notice of Suspension of AICP Membership and Certification. The Notice shall advise the individual that one year from the date of the Notice, but in no event prior to release from incarceration, he or she may petition the AICP Ethics Committee for reinstatement. A Petition for Reinstatement shall be sent to the Ethics Officer, who shall forward it to the Ethics Committee. The Ethics Committee shall in its sole judgment determine whether reinstatement is appropriate and if so whether and what conditions shall be applied to such reinstatement. The Ethics Officer shall transmit the reinstatement determination to the petitioner. If the Ethics Committee denies the Petition, the Ethics Officer shall transmit the denial to the petitioner along with notice that the petitioner shall have the opportunity to file a subsequent petition after 12 months from the date of the Ethics Committee’s determination.

4. Publication of Conviction for Serious Crime:

If, while we are Certified Planners, we are convicted of a serious offense, as defined in Paragraph 1, we authorize the Ethics Officer to publish our name and a description of the crime we committed in a publication of AICP and of the American Planning Association. This authority to publish shall survive the voluntary or involuntary termination or suspension of our AICP membership and certification.

ATTACHMENT C

BY-LAWS FOR PLANNING AND ZONING COMMISSION

CITY OF COLLINSVILLE, TEXAS

Used with the Permission of the City of Collinsville, Troy Vanoy, approved March, 2013.



By-Laws of the Planning Commission of the City of Collinsville, State of Texas, as established on March, 2001.

Article 1: Authority

Authority was given to Planning and Zoning as a Board by the City Council of Collinsville, State of Texas. City of Collinsville Zoning Ordinance.

Article 2: Jurisdiction

- The Jurisdiction of this board includes all property within the city limits of Collinsville, Texas, as well as any and all property within the extra-territorial jurisdiction (ETJ) of the city.
- The amount of property that falls within the ETJ is defined by State law and is based upon the current population of the city. At the present time, the ETJ for the City of Collinsville includes all area up to one-half of a mile beyond the city limits.
- All recommendations will be heard on next planned agenda and decision will be made by the Planning and Zoning board no more than 90 days from the date of the recommendation being presented to the board.

Article 3: Appointment and Terms of Members

- All appointments to the Planning and Zoning board are made by the City Council.
- The Planning and Zoning board consists of five members who must be a resident either in the city limits of Collinsville, or live within five (5) miles of the city limits of Collinsville. However in the event that a bordering county line is less than five (5) miles of the Collinsville City limits, the mileage limit stops at the Grayson County line.
- Each appointment to the Planning and Zoning board is for a two year period. If a member is unable to complete their two year term, the City Council will vote on a replacement to complete that portion of the unexpired term. Members are elected in overlapping terms, i.e., in one year two positions are appointed for two year terms and in the next year three positions are appointed for two year terms.

Article 4: Planning Commission Officers and their Duties

- Chairperson- presides at all hearings and meetings of the commission, assures proper order of the commission and the public in all proceedings, signs all documents of the commission, and represents the commission before legislative and administrative bodies.
- Vice-chairperson- provides orientation to new planning commission members, and, in the absence of the chairperson, performs all of the chairperson's duties. If applicable, prepares the annual report of planning commission activities and coordinates the annual meeting of the planning commission.
- Secretary- prepares all official instruments of the planning commission, records the proceedings of all hearings and meetings; together with the chairperson signs all documents of the planning commission, and assures the proper indexing of all planning commission documents as public records.
- Chairperson-Pro-Temp- where both the chairperson and vice chairperson are absent from a hear-



ing or meeting, the remainder of the members of the planning commission shall elect a chairperson-pro-temp from among their own number by majority vote.

- Treasurer (NOT APPLICABLE AT THIS TIME)- where a planning commission retains direct control over the budget for operations and staff, the treasurer shall maintain complete, accurate and orderly accounts in preparation for the annual audit, and together with the chairperson shall sign all authorizations and payments of funds.

Article 5: Staff of the Commission and their Duties

- Consultants- the planning commission may hire consultants to perform planning related activities under terms of a contract prepared by the Planning and Zoning Commission and approved by the City Council.
- Legal counsel- the county attorney or municipal director of law shall serve as legal counsel to the planning commission; prepares memoranda of law as requested by the planning commission, and reviews drafts of ordinances, resolutions, and by-laws, and their amendment.
- Director of Planning (NOT APPLICABLE AT THIS TIME)- advises the planning commission, legislative body, and chief administrative officer on matters related to planning, development, and redevelopment, coordinates and supervises the work of all other staff and consultants, prepares all documents for presentation to the planning commission, and assists the chairperson and secretary in the exercise of their duties; the director of planning or designee shall have the privilege to address the planning commission during regular meetings.
- Zoning Administrator (NOT APPLICABLE AT THIS TIME)- advises the planning commission on all matters regarding the regulation of development, prepares all related documents for presentation to the planning commission, and serves as staff to the board of zoning appeals.
- Commission staff (NOT APPLICABLE AT THIS TIME) - the planning commission may appoint other staff members to carry-out appropriate functions.

Article 6: Hearings of the Planning Commission

- Public hearing- a noticed official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the planning commission, for which publicly-accessible minutes must be prepared; the planning commission may neither deliberate nor take a substantive vote during a public hearing.
- Working Session- a noticed official hearing open to the public to discuss specific matters before the commission; the intent of the working session is informational; the planning commission may neither deliberate nor take a substantive vote during a working session, however publicly-accessible minutes may be prepared.

Article 7: Meetings of the Planning Commission

- Regular meeting- a noticed official meeting, open to the public, during which the planning commission deliberates and may take substantive votes on specific terms, for which publicly-accessible



minutes will be prepared.

- Emergency meeting- in the event of a true emergency, the chairperson, with the assent of a majority of planning commission members contacted by telephone, may call an emergency meeting without notice; such meeting is open to the public; publicly-accessible minutes shall carry the specific justification for such meetings.
- Executive meeting- a noticed official meeting, closed to the public, whose topics of deliberation are truly confidential in nature; there shall be neither deliberation nor vote on agenda items before the commission.

Article 8: Order of a Public Hearing

1. Sign-in sheets by agenda item, listing printed name, signature, address of persons wishing to testify, and indication of support or opposition to items.
2. Call to order and determination of quorum.
3. Presentation by commissioner (or staff if applicable) summarizing the item.
4. Testimony of agencies related to the item.
5. Presentation by the applicant.
6. Testimony of the proponents.
7. Testimony of the opponents.
8. Concluding comments of the applicant.
9. Concluding comments of the commissioner (or staff if applicable).
10. Request of the Chairperson for a motion to close the public hearing.

Article 9: Order of a Regular Meeting

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. Items carried-over from a previous agenda:
 - a. Matters regarding the comprehensive plan
 - b. Matters regarding capital improvements
 - c. Matters regarding subdivision of land
 - d. Matters regarding zoning of land
 - e. Matters regarding other regulatory action
4. Items of the present agenda, presented in the same order as above.
5. Other business.
6. Review of the planning commission calendar and announcement of future meetings.
7. Request of the chairperson for a motion to adjourn.

Article 10: Form and Character of Motions

The form and character of motions shall conform to those offered within Robert's Rules of Order, Revised, except as specified below.



- Upon review of the full public record and due deliberation among members of the planning commission, any of its members, except the chairperson, may make a substantive motion. The motion shall include not only direction (Approval, Approval with specified conditions, or Disapproval) but also a recitation of findings which support the motion.
- A second, citing compatible finding shall be required.
- Other commission members may support the motion with other compatible findings.
- A motion shall die for lack of second.
- Where a motion to disapprove an item has been defeated, a member of the planning commission initially in the opposition may make a motion to approve or approve with conditions.

Article 11: Quorum and Voting Requirements

- A majority of the members of the planning commission shall constitute a quorum.
- A majority of the members of the planning commission shall be required to pass a motion.
- All votes shall be taken by the Chairperson in random order, with the Chairperson not voting except as needed to break a tie vote.
- If a member abstains from voting, their vote shall not be counted in the determination of a motion, but it shall be recorded in the minutes as an abstaining vote.

Article 12: Requirements for the Submission of Requests

- The planning commission shall adopt standard forms for the submission of each type of request required for its consideration; such forms shall specify the schedule of submission, form and content of complementary materials, and scale and content of drawings.
- The secretary of the planning commission shall certify the completeness of submissions.
- Certified requests shall be fully noticed under requirements of law and agendaized on the planning commission calendar on the same day.
- Any request disapproved by the planning commission shall not be resubmitted for a period of six months unless the Planning and Zoning Commission shall determine that a new hearing is justified prior to the expiration of the six months waiting period.
- An application for the same type of amendment shall not be received on the same property more often than once in each twelve (12) month period unless the Planning and Zoning Commission shall determine that a change of conditions justifies a new hearing prior to expiration of the twelve (12) month period.
- A fee schedule has been put in place by the City Council to recover costs associated with notice publication, request processing, agenda, and related materials duplication and distribution; moreover, the planning commission may require the applicant to post signs on the affected property, in conformance with provisions of the ordinance, and to notify adjacent property owners, tenants, and community residents of the nature of the applicant's request.



Article 13: Instruments and Documents of the Planning Commission

- The official instruments of the planning commission are the record of notice, and agenda, and the minutes of hearings and meetings. Where in special cases the planning commission wishes to provide advice to the legislative body or administrative agency, it may do so by resolution.
- Any and all materials submitted to the planning commission regarding an item shall be entered into public record by a motion to “Accept for the record”.
- All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, minutes of hearings and meetings, and resolutions shall constitute the documents of the planning commission and shall be indexed as a matter of public record.

Article 14: Administrative Calendar

- Notice for all hearings and meetings shall conform to requirements of law.
- Terms for two year appointments begin at the first regular meeting of the Planning and Zoning board in July.
- The regular meetings of the Planning and Zoning board are normally scheduled on the fourth Tuesday of each month. Additional meetings or hearings are scheduled as needed.
- Copies of the agenda and any related documents shall be delivered to each planning commission member no less than five working days prior to a public hearing and regular meeting.

Article 15: Conduct of the Members of the Planning Commission

- Members of the planning commission shall take such time as to prepare themselves for hearings and meetings.
- Any member of the planning commission absent from three consecutive regular meetings or any six regular meetings within a calendar year, without being excused by the Chairperson, may be removed for cause.
- A planning commission member with a conflict of interest in an item before the commission must state that a conflict of interest exists and withdraw from participation in the public hearing, working session, emergency meeting, or regular meeting on that item.
- The interests of that planning commission member may be represented before the planning commission by a specifically designated representative or legal agent at the public hearing or working session, and testimony entered into the public record.
- Participation of a planning commission member with a conflict of interest is cause for removal.

Article 16: Conduct of Persons Before the Planning Commission

- During all public hearings and working sessions, members of the public shall be given equitable opportunity to speak. Comments should be addressed to the item before the planning commission. Where a comment is irrelevant, inflammatory, or prejudicial, the chairperson may instruct the planning commission to “disregard” the comment, which nevertheless may, at the discretion of the board, remain in the public record.



- During all regular and emergency meetings of the planning commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.
- During all planning commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the chairperson as “out-of-order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the planning commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the chairperson may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

Article 17: Separability

- Should any article of the planning commission by-laws be found to be illegal, the remaining articles shall remain in effect.

Article 18: Adoption and Amendment of By-Laws

- By-Law adoption or amendment shall be made following review by the legal counsel and public hearing.
- The by-laws shall be adopted or amended upon a vote of a majority of the members of the planning commission.
- Adoption or amendment of by-laws takes effect immediately following a successful vote.

Adopted: March 2001

Amended & Approved: December 2012

ATTACHMENT D

Used with permission from the City of Arlington, Lyndsay Mitchell, June, 2013.



PLANNING AND ZONING COMMISSION: PARTICIPATING AT PUBLIC HEARINGS

If you are interested in giving public testimony at Planning and Zoning Commission and City Council public hearings, the following information will help you become familiar with the procedures of the City Council and Planning and Zoning Commission.

Procedures for participating at a Planning and Zoning Commission or City Council public hearing

Procedures for participating at a Planning and Zoning Commission or City Council public hearing are the same, unless noted below

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. The applicant or the applicant's representative is allowed 10 minutes to speak. All other speakers for or against the items are given 5 minutes. In the event a total of five or more people are registered to speak on one side of an issue, the 10 minute time is reduced to 5 minutes and the 5 minute time is reduced to 3 for that side of the hearing. The proponent is allowed 5 minutes for rebuttal.
3. Developers who wish to make presentations to an evening City Council session should contact or make arrangements with the Community Development & Planning department at 817-459-6664.

Procedures for Registering Support or Opposition on a Public Hearing Item

1. Fill out a speaker card and return it to the box at the front of the Council Chamber (for the Planning and Zoning Commission) and to the desk at the entrance of the Council Chamber (for City Council).
2. Citizens anticipating being absent during the public hearing may write a letter in support or opposition and have it submitted by a representative or mail it to the City Council or Planning and Zoning Commission.
3. Registration of support or opposition (individual form, group form) on any item on the agenda must be submitted before or at the public hearing on the day of the hearing.

Procedures for Citizens Who Wish to Speak on an Item not on the City Council Agenda

1. Fill out a speaker card and return it to the desk at the entrance of the Council Chamber.
2. Speakers are given a 5 minute time limit.

ATTACHMENT E

Used with the permission of the City of San Gabriel, Mark Gallatin, March, 2013.



Welcome...

TO YOUR SAN GABRIEL PLANNING COMMISSION MEETING

Meetings are held on:
Second Monday of every month at 6:30 p.m.
City Hall Council Chambers
425 South Mission Drive
Second Floor

Welcome to the Planning Commission! We are glad you can join us. We want you to enjoy your visit, and have prepared this brochure to help explain the role and conduct of Planning Commission meetings.

What the Commission Does

The **Planning Commission** consists of five volunteer citizens who are appointed by your City Council to help guide San Gabriel's growth, development, and quality of life. There are two types of actions the Planning Commission takes:



- **Legislative Actions:** *The Planning Commission bears testimony and makes recommendations to the City Council on these types of applications: zone changes, general plan amendments, specific plans, and ordinance amendments. In this role, the Commission makes recommendations only – all these actions are then referred to the City Council for action.*
- **Quasi-Judicial Actions:** The Planning Commission can approve, conditionally approve, or deny: Conditional Use Permits, Variances, Master Plans, and other types of applications. The Commission also certifies environmental impact reports. **In this role, Planning Commission decisions are usually final unless appealed.**

How Can I Speak at a Meeting?

If you would like to speak, fill out a speaker's card with your name and address, give it to the secretary and you will be called upon at the appropriate time. Written comments can be given to a planning staff any time before a public hearing is closed. For items not on the agenda, you may speak during the time set aside for public comment. Otherwise, you may speak during the public hearings.

THE PUBLIC HEARING

Many Planning Commission matters are public hearing items, during which you as a member of the public have the opportunity to testify.

1. **ANNOUNCEMENT OF EACH ITEM:** The chairman announces each item in the order listed on the agenda. Agendas are available in the Council Chambers before each meeting.
2. **STAFF REPORT AND PRESENTATION:** The Community Development staff prepares a report regarding each proposal. A member of the staff will summarize it orally, answer any questions, and clarify issues the Commission may have. Reports are available in the Planning Division Office prior to each meeting.
3. **PRESENTATION OF EACH APPLICANT:** The applicant requesting approval of an application is given time to state his or her position in favor of the proposal.
4. **PUBLIC HEARING:** Once the Chairman invites members of the public to speak on each proposal, you may come to the podium to speak. You may also present exhibits, which become part of the City's official case file. **Please remember:**

- **Show courtesy and respect for everybody** by addressing all comments to the Chair and the Commission, not to the audience or staff members.
- **Keep comments brief and non-repetitive** so that everyone gets a chance to speak.
- **Always identify yourself** for the public record by stating your name and address.
- **Speak clearly** into the microphone.



5. **DISCUSSION AND VOTE BY THE COMMISSION:** After receiving all testimony, the Chairman **closes the public hearing**, and the Commission discusses each proposal. Members of the Commission may ask questions of individuals or the staff. The Commission then votes on each proposal. *The public cannot testify once public hearing has been closed.*

Can I Appeal Planning Commission Decisions?

For quasi-judicial actions like variances and conditional use permits, you may appeal decisions made by the Planning Commission to the City Council within 10 business days of the decision. If no appeal is filed, the decisions are made final. For legislative actions where the Planning Commission's action is only a recommendation, these will be reheard by the City Council; you may contact staff to receive notice of the Council hearing date. If you are not certain what your appeal rights are, simply ask any staff member at the meeting.

Thank you for coming! For more information about items on this agenda, please contact us at:

Community Development Department
425 South Mission Drive
San Gabriel, CA 91776
Phone: (626) 308-2806
Fax: (626) 458-2830
Web: www.sangabrielcity.com



ATTACHMENT F

PUBLIC SERVICE VALUES

From The Institute for Local Government web site: http://www.ca-ilg.org/sites/main/files/file-attachments/Basics_PersOr-gEthic_WM.pdf. Site accessed June 5, 2013.

Public Service Values

How do core ethical values translate into action in public service? Here are examples of what values mean in practice.

Trustworthiness

I remember that my role is first and foremost to serve the community.

I am truthful with my colleagues, the public and others.

I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.

I do not accept gifts or other special considerations because of my public position.

I do not knowingly use false, inaccurate or biased information to support my position.

I do not use my public position for personal gain.

I carefully consider any promise I make and then keep it.

Fairness

I make decisions based on the merits of the issues.

I honor the law's and the public's expectation that agency policies will be applied consistently.

I support the public's right to know and promote meaningful public involvement.

I support merit-based processes for the award of public employment and public contracts.

I am impartial and do not favor those who either have helped me or are in a position to do so.

I promote equality and treat all people equitably.

I excuse myself from participating in matters when my or my family's financial interests may be affected by my agency's actions.

I credit others' contributions in moving our community's interests forward.

I maintain consistent standards, but am sensitive to the need for compromise, creativity and improving existing paradigms.

Responsibility

I work to improve the quality of life in the community and promote the best interests of the public.

I promote the efficient use of agency resources.

I do not use agency resources for personal or political benefit.

I represent the official positions of the agency to the best of my ability when authorized to do so.

I explicitly state that my personal opinions do not represent the agency's position and do not allow the



inference that they do.

I take responsibility for my own actions, even when it is uncomfortable to do so.

I do not use information that I acquire in my public capacity for personal advantage.

I do not promise that which I have reason to believe is unrealistic.

I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political or professional advantage.

I do not disclose confidential information without proper legal authorization.

I am proactive and innovative when setting goals and considering policies.

I consider the broader regional and statewide implications of the agency's decisions and issues.

I promote intelligent innovation to move forward the agency's policies and services.

Respect

I treat everyone with courtesy and respect, even when we disagree.

I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.

I gain value from diverse opinions and build consensus.

I follow through on commitments, keep others informed, and provide timely responses.

I am approachable and open-minded, and I convey this to others.

I listen carefully and ask questions that add value to discussions.

I involve all appropriate stakeholders in meetings affecting agency decisions.

I come to meetings and I come to them prepared.

I work to improve the quality of life in my community.

Compassion

I realize that some people are sometimes intimidated by the public process and try to make their interactions as stress-free as possible.

I convey the agency's care for and commitment to its community members.

I am attuned to, and care about, the needs and concerns of the public, officials, and staff.

I recognize a responsibility to society's less fortunate.

I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

I safeguard confidential information.

I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.

I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.

I don't oppose final decisions once they have been made by the decision makers, except through inter-



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nal lines of communication.

I put loyalty to the public's interests above personal, professional and political loyalties.

2024 - ZONING, PLAN, AND PLAT SUBMITTAL CALENDAR

ENGINEERING CONCEPTUAL CIVILS / FULL CIVILS	*PLANNING SUBMITTAL DATE	1ST REVIEW MEETING (STAFF)	STAFF COMMENTS AVAILABLE	**CORRECTED PLANS RETURNED	P&Z DATE	ZONING & RESIDENTIAL REPLAT PUBLIC HEARING NOTICES (STAFF)	***CITY COUNCIL DATE
Due the 4 th Thursday of every month	<i>1st Wednesday following a regularly scheduled P&Z meeting</i>		2 nd Monday after submittal	3 rd Monday after submittal	1st Monday of the month	18 days prior to CC Date (15 days Required)	2nd & 4th Tuesday of the month
Nov 29, 2023	Dec 06, 2023	12/15/23	12/18/23	12/22/23 (Friday)	01/02/24 (Tuesday)	- 01/05/24	01/09/24 01/23/24
Dec 28, 2023	Jan 08, 2024 (Monday)	01/12/24	01/16/24 (Tuesday)	01/22/24	02/05/24	- 02/09/24	02/13/24 02/27/24
Jan 25, 2024	Feb 07, 2024	02/16/24	02/20/24 (Tuesday)	02/26/24	03/04/24	- 03/08/24	03/12/24 03/26/24
Feb 22, 2024	Mar 06, 2024	03/15/24	03/18/24	03/25/24	04/01/24	- 04/05/24	04/09/24 04/23/24
March 28, 2024	Apr 08, 2024 (Monday)	04/12/24	04/15/24	04/22/24	05/06/24	- 05/10/24	05/14/24 05/28/24
April 25, 2024	May 08, 2024	05/17/24	05/20/24	05/28/24	06/03/24	- 06/07/24	06/11/24 06/25/24
May 23, 2024	Jun 05, 2024	06/14/24	06/17/24	06/24/24	07/01/24	- 07/05/24	07/09/24 07/23/24
Jun 27, 2024	Jul 08, 2024 (Monday)	07/12/24	07/15/24	07/22/24	08/05/24	- 08/09/24	08/13/24 08/27/24
Jul 25, 2024	Aug 07, 2024	08/16/24	08/19/24	08/26/24	09/04/24 (Wednesday)	- 09/06/24	09/10/24 09/24/24
Aug 22, 2024	Sep 09, 2024 (Monday)	09/13/24	09/16/24	09/23/24	10/07/24	- 10/04/24	10/08/24 10/22/24
Sept 26, 2024	Oct 09, 2024	10/18/24	10/21/24	10/28/24	11/04/24	11/22/24	11/12/24 12/10/24
Oct 24, 2024	Nov 06, 2024	11/15/24	11/18/24	11/25/24	12/02/24	- 12/27/24	12/10/24 01/14/25
Nov 27, 2024 (Wednesday)	Dec 09, 2024 (Monday)	12/13/24	12/16/24	12/23/24	01/06/25	- 01/10/25	01/14/25 01/28/25

All dates are tentative and may be adjusted for holidays, meeting cancellations, etc.

*No later than 11:00 A.M. on the submittal day.

**Corrected plans MUST be returned to Planning by 11:00 A.M.

*** Annexations, Zoning Cases, and Residential Replats go to the second Council meeting to meet state required public notices.



Item No. 9.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action to approve minutes of the June 5, 2023 Planning & Zoning Commission Meeting.

SUMMARY:

Minutes from the June 5, 2023 Planning & Zoning Commission Meeting.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Excellent.

STAFF RECOMMENDATIONS:

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ATTACHMENTS:

1. 06-05-2023 PZ Minutes

**MINUTES
PLANNING AND ZONING COMMISSION
June 5, 2023**

The Planning and Zoning Commission of the City of Anna held a meeting at 7:00 p.m. on June 5, 2023, at the Municipal Complex located at 120 W. 7th Street, to consider the following items.

1. Call to Order and Establishment of Quorum

The meeting was called to order at 7:00 p.m.

Commissioners present were Kelly Patterson-Herndon, Jessica Walden, Douglas Hermann, Michelle Clemens, David Nylec, Matt Blanscett, and Staci Martin. Staff present were Ross Altobelli, Lauren Mecke, Salena Tittle, and City Engineer, Wes Lawson. Councilman Kevin Toten and Councilman Elden Baker were also in attendance.

2. Invocation and Pledge of Allegiance

Commissioner Blanscett gave the invocation and led the Pledge of Allegiance.

3. Citizen Comments: At this time, any person may address the Planning and Zoning Commission regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

There were no speakers.

4. Location Map

Consent Items

Commissioner Walden made a request to pull Consent Items 6 & 7 for further discussion.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Hermann to recommend approval of consent items 5 & 8-10. The vote was unanimous.

5. Consider/Discuss/Action to approve minutes of the May 1, 2023, Planning & Zoning Commission Meeting.
6. Consider/Discuss/Action on the Anna Station, Block A, Lot 1, Final Plat. Applicant: ONM Living.
7. Consider/Discuss/Action on the Anna Station, Block A, Lot 1, Site Plan. Applicant: ONM Living.
8. Consider/Discuss/Action on the Arden Park Phase 2, Final Plat. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.
9. Consider/Discuss/Action on the Arden Park Phase 2, Site Plan. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.

10. Consider/Discuss/Action on the Prose Town Square, Block A, Lot 1, Final Plat. Applicant: 615 Foster Crossing Investments, LLC.

Regarding Item 6, Commissioner Walden asked staff to clarify what the 15-foot drainage easement was for that is shown on the plat to be on the eastern property boundary line.

Ms. Mecke advised that Mr. Lawson, City Engineer, would be best suited to answer the question.

Mr. Lawson explained that the drainage easement is for the existing subdivision to the east.

Commissioner Walden explained that her concern was that the Site Plan is showing a building to be built on that 15-foot easement.

Ms. Mecke advised that as part of staff's process, the Final Plat and Site Plan are approved prior to the Engineering Civils being approved. Ms. Mecke also explained that this is the reason why the plats and site plans are recommended for approval subject to the engineering civil drawings being approved.

Chairwoman Patterson-Herndon asked if it was possible, it could be a lot-to-lot drainage easement as well.

Ms. Mecke explained it could be possible if that is what is needed for drainage. She also advised that the applicant was present and able to answer any questions.

Mr. Rob McClain, with ONM Living, explained that during the comment phase of the civil drawings, they were asked to discharge partial detention from the north side into the existing drainage easement so all of it was not going into the pond. Mr. McClain also advised that the easement will be going between the buildings and reassured that no buildings will be on top of the easement.

Regarding Item 7, Commissioner Walden explained that the applicant, on the plan, is referencing the neighboring subdivision plat and on that plat it calls out a flood plain. Commissioner Walden asked if staff was aware of the applicant's property also being located in a flood plain.

Ms. Mecke explained that the neighboring subdivision had to alter where the flood plain was located on their property, before construction of the homes. However, there is no flood plain on this applicant's property.

A motion was made by Commissioner Walden, seconded by Commissioner Martin to recommend approval of consent items 6 & 7. The vote was unanimous.

Items for Individual Consideration

11. Consider/Discuss/Action on calling a public hearing to amend Article 9.07 Tree Preservation.

Mr. Altobelli introduced the item. City staff is requesting that the Planning & Zoning Commission call a public hearing to allow Planning staff to present amendments at the next Planning & Zoning Commission meeting on July 6, 2023.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Clemens to call a public hearing. The vote was unanimous.

12. Consider/Discuss/Action on the White Rock Subdivision, Block A, Lots 1-5. Final Plat.

Ms. Mecke introduced the item. The applicant is requesting approval of a Final Plat with several variances to the requirements listed within the city's Subdivision Regulations. Ms. Mecke listed the following issues:

- The Final Plat does not dedicate street right-of-way.
- The property does not have adequate frontage on a proposed or existing street.
- The applicant has failed to provide evidence that 4 of the 5 proposed lots can each support a septic system.

Ms. Mecke also advised the Commission that the city's Fire Department has determined that there are impediments to public safety access and maneuverability.

Commissioner Nylec asked staff to clarify that there will be an issue with fire and the fire trucks if approved as the applicant has shown on the plat.

Ms. Mecke explained that the Fire Chief had provided a letter which explained his concern regarding fire trucks accessing these properties.

Commissioner Hermann asked if this request was for annexation and approval of the plat.

Ms. Mecke advised no. This was just a request for approval of a Final Plat but the property will remain in the ETJ.

A motion was made by Commissioner Walden to deny the applicants request for approval due to the Final Plat not meeting the regulations set forth in Sec. 9.02.081, 9.02.087, and 9.02.090 of the Subdivision Regulations. The motion was seconded by Commissioner Nylec. The vote was unanimous.

13. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street from C-2 General Commercial to allow for the use of Self-Storage, mini-warehouse with modified development standards.

Mr. Altobelli advised the Commission that the applicant has requested that the public hearing be tabled and held open until the Thursday, July 6, 2023 Planning & Zoning Commission meeting while they continue to work through staff's comments and work with the neighboring property owners.

The Public Hearing was opened at 7:20 p.m.

A motion was made by Chairwoman Patterson-Herndon to table and hold open the public hearing until the Thursday, July 6, 2023 Planning & Zoning Commission meeting. The motion was seconded by Commissioner Blanscett. The vote was unanimous.

14. Consider/Discuss/Action on the Anna Retail Addition, Block A, Lot 9. Concept Plan.

Mr. Altobelli advised that this item was contingent on the zoning request and that it is recommended that the Commission take no action at this time.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to take no action on the applicants request for approval of the Concept Plan. The vote was unanimous.

15. Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 2.4± acres located on the north side of W. White Street, 635± feet east of Ferguson Parkway from Planned Development (Ord. No. 709-2015), SF-E Single-Family Residential – Large Lot, & Planned Development (Ord. No. 673-2014) to C-1 Restricted Commercial to allow for an office, retail, and restaurant development.

Mrs. Tittle introduced the item. The applicant is requesting to rezone three tracts of land to C-1 Restricted Commercial zoning in order to allow for commercial uses.

Commissioner Hermann advised that the request was pretty straight forward and referenced the houses that were, at one time, on the specific tracts of land.

Mrs. Tittle explained that one parcel was originally part of the neighboring subdivision, the second parcel had trees and debris that has since been cleaned up, and the third parcel was just a vacant tract. The applicant owns all three and will eventually be platting into one for the commercial development.

The Public Hearing was opened at 7:24 p.m.

The Public Hearing closed at 7:25 p.m.

Commissioner Nylec asked if the existing building next door was the oil change business.

Mrs. Tittle responded yes.

A motion was made by Commissioner Walden, seconded by Commissioner Nylec to recommend approval of the zoning request. The vote was unanimous.

16. Consider/Discuss/Action on The Shops at Avery Pointe, Block A, Lot 1. Concept Plan.

Mrs. Tittle introduced the item. The applicant is requesting approval of the Concept Plan associated with the zoning request, Item 15.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Martin to recommend approval of the Concept Plan. The vote was unanimous.

17. Conduct a Public Hearing/Consider/Discuss/Action on a request to establish zoning on 54.9± acres located at the northeast corner of U.S. Highway 75 and Collin County Outer Loop Road to Planned Development to allow for a multiple-family residence, community center, private, and hotel development with modified development standards.

Ms. Mecke introduced the item. The applicant is requesting to establish zoning that would allow for a multifamily residence, private community center, and hotel development.

Commissioner Walden asked if a dam breach analysis had been performed.

Ms. Mecke advised that the applicant can answer that question during the public hearing.

The Public Hearing was opened at 7:31 p.m.

Mr. Mathias Haubert, the applicant's representative, gave a brief presentation regarding the request. Mr. Haubert also advised that the analysis is currently under way while they work with several entities to work the analysis.

Commissioner Walden asked for an approximation of how many individuals they were anticipating to hold in the banquet hall.

Mr. Haubert replied that he was not sure how many they could hold with the specified square footage.

Commissioner Walden asked if it was going to be accessible to the public as a rentable space.

Mr. Haubert explained that would be the intent.

Commissioner Walden asked why they were asking not to place fencing along the back property line.

Mr. Haubert explained that they might have some sort of screening, but it would not be a masonry type screening but more of an ornamental fence.

Commissioner Hermann asked if the alternative material for the parking of the private club would be gravel or some other type of material.

Mr. Haubert explained it could be gravel or it could be grass that it only parked on once and a while. The intent is that the specific area will not be routinely used.

Commissioner Walden asked if the banquet hall will have any alcohol sales.

Mr. Haubert said it was too early to say whether or not they were going to offer that.

Ms. Mecke advised that they still have to go through the City Secretary's office to obtain an alcohol permit.

The Public Hearing was closed at 7:43 p.m.

A motion was made by Commissioner Nylec, seconded by Commissioner Hermann to recommend approval of the zoning request with the additional stipulations listed in the staff report. The vote was unanimous.

18. Consider/Discuss/Action on The Preserve, Block A, Lot 1. Concept Plan.

Mrs. Mecke introduced the item. The applicant is requesting approval of the Concept Plan associated with the zoning request, Item 17.

A motion was made by Commissioner Clemens, seconded by Commissioner Blanscett to recommend approval of the Concept Plan. The vote was unanimous.

19. Conduct a Public Hearing/Consider/Discuss/Action on a request to amend a Planned Development (Ord. No. 860-2020) and establish the same zoning allowances on 2.53± acres located on the east side of future N. Standridge Boulevard, 705± feet south of W. Rosamond Parkway.

Ms. Mecke introduced the item. The applicant is requesting to establish zoning for two tracts of land and include it into an existing Planned Development (Ord. No. 860-2020). Ms. Mecke explained that these two tracts of land should have originally been part of the Planned Development but was missed during that request.

The Public Hearing was opened at 7:47 p.m.

The Public Hearing was closed at 7:48 p.m.

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Walden to recommend approval of the zoning request. The vote was unanimous.

Before the close of the meeting, Chairwoman Patterson-Herndon wanted to thank Commissioner Ogan and Commissioner Wenzel for their years of service on the Planning & Zoning Commission.

Adjourn

A motion was made by Chairwoman Patterson-Herndon, seconded by Commissioner Nylec to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 7:49 p.m.

ATTEST:

Chairwoman Kelly Patterson-Herndon

Salena Tittle, Planner II



Item No. 10.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the 455/75 Business Addition, Block A, Lot 4R, Site Plan.
Applicant: Shree Anna Realty Corp.

SUMMARY:

Restaurant on one lot on 1.0± acre located on the west side of U.S. Highway 75, 455± feet south of W. White Street. Zoned C-2 General Commercial (C-2).

The purpose of the Site Plan is to show the proposed restaurant site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

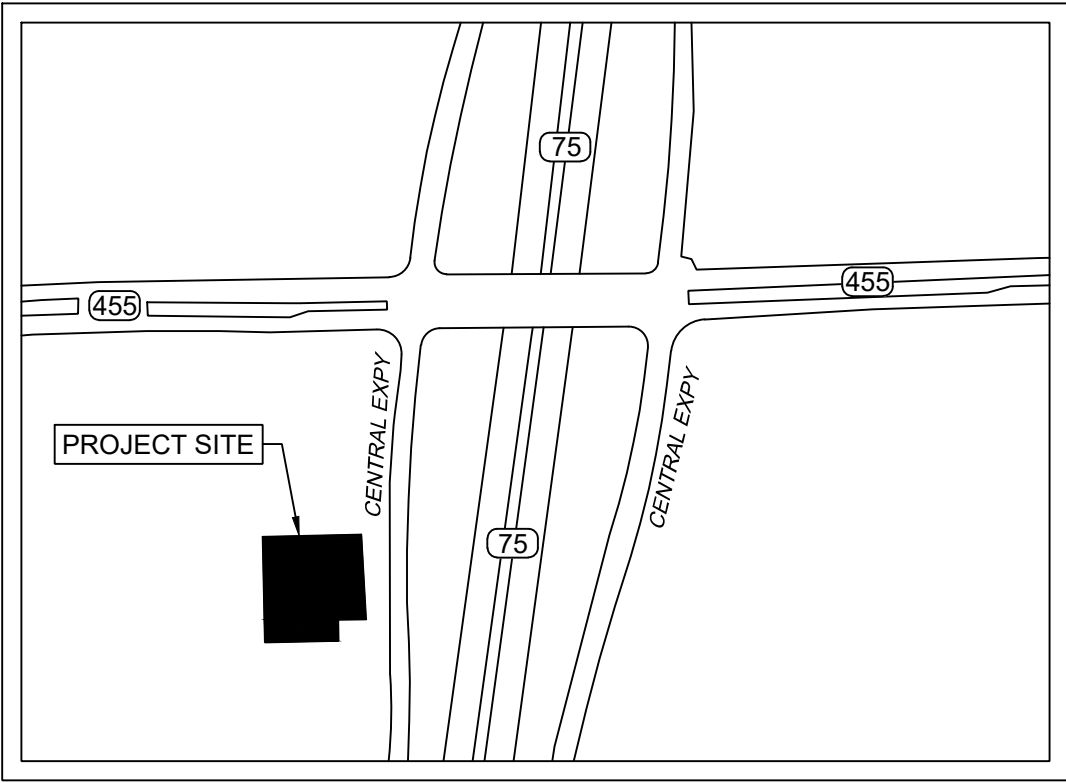
1. 455-75 Business Addition, Block A, Lot 4R Locator Map
2. Exhibit A - (SP) 455-75 Business Addition, Block A, Lot 4R
3. P&Z Application

Site Plan - 455/75 Business Addition, Block A, Lot 4R





Know what's below.
Call before you dig.



VICINITY MAP
N.T.S.

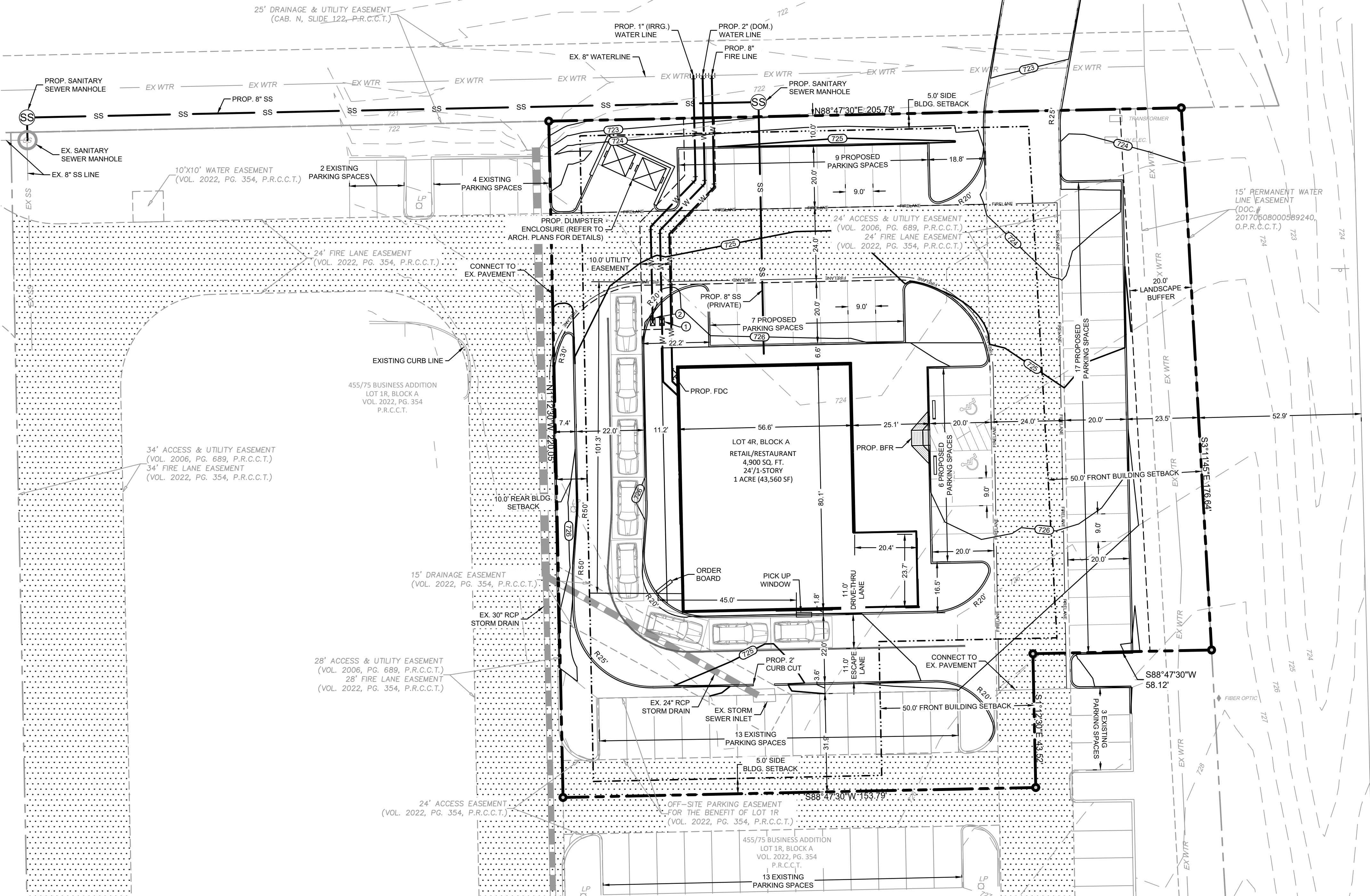
LAYOUT & DIMENSIONAL CONTROL NOTES:

1. BOUNDARY LINES AND EASEMENT: REFER TO THE FINAL PLAT TO VERIFY PROPERTY LINES AND EXISTING EASEMENT LOCATIONS.
2. DIMENSION CONTROL: UNLESS NOTED OTHERWISE, ALL PAVING DIMENSIONS SHOWN ARE TO FACE OF CURB.
3. CURB RADIUS: UNLESS NOTED OTHERWISE, ALL CURB RADI SHALL BE 3' AT FACE OF CURB.
4. BUILDING DIMENSIONS: REFERENCE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND COORDINATES PRIOR TO CONSTRUCTION.
6. ALL COORDINATES ARE U.S. SURVEY FEET, NAD '83 SURFACE.
7. REFER TO SHEET(S) C10.0 FOR SITE DETAILS.

NOTE TO CONTRACTOR

THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES (WHETHER SHOWN ON PLANS OR NOT) PRIOR TO COMMENCING CONSTRUCTION. IF FIELD CONDITIONS DIFFER SIGNIFICANTLY FROM LOCATIONS SHOWN ON THE PLANS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.

AFFI ADDITION
LOT 1-R-1, BLOCK A
VOL. 2012, PG. 17
P.R.C.C.T.



SITE BENCHMARKS

- BM NO. 1 THE SITE BENCHMARK IS AN "X" CUT SET WITH BOX ON TOP OF THE BACK OF CURB AT THE NORTHWEST CORNER OF A PARKING STALL IN THE WEST LINE OF U.S. HIGHWAY 75 SOUTHBOUND SERVICE ROAD, BEING LOCATED APPROXIMATELY 680 FEET SOUTH FROM THE INTERSECTION OF U.S. HIGHWAY 75 SOUTHBOUND SERVICE ROAD AND FM 455. ELEVATION = 727.66' (NAD '83)
- BM NO. 2 THE SITE BENCHMARK IS AN "X" CUT SET WITH BOX AT THE NORTHEAST CORNER OF A CONCRETE PARKING STALL NEAR THE NORTHEAST CORNER OF THE SITE AND BEING LOCATED APPROXIMATELY 453 FEET SOUTH FROM THE INTERSECTION OF U.S. HIGHWAY 75 SOUTHBOUND SERVICE ROAD AND FM 455. ELEVATION = 723.74' (NAD '83)

LEGEND

PROPOSED FIRE LANE STRIPING	FIRELANE
PROPOSED SANITARY SEWER	SS
PROPOSED WATER LINE	W
PROPOSED SANITARY MANHOLE	SS
PROPOSED WATER METER	W
PROPOSED FDC	FDC
PROPOSED FIRELANE	FIRELANE
PROPERTY BOUNDARY	PROPERTY BOUNDARY

SITE PLAN DATA TABLE

EXISTING ZONING	C-2
PROPOSED ZONING	C-2
LOT AREA (SF) / (ACRES)	43560 / 1.00
TOTAL BUILDING AREA (SF)	4,900
BUILDING HEIGHT	24'-0" (1 STORY)
BUILDING LOT COVERAGE (%) / FLOOR AREA RATIO	11.2% / 0.112:1

PARKING DATA TABLE

RETAIL PARKING REQUIREMENT	4 SPACE PER 1,000 SF
RESTAURANT PARKING REQUIREMENT	10 SPACE PER 1,000 SF
PORTION OF BUILDING RETAIL	63% / 4,900 SF
PORTION OF BUILDING RESTAURANT	37% / 4,900 SF
RETAIL PARKING SPACES REQUIRED	13 SPACES
RESTAURANT PARKING SPACES REQUIRED	18 SPACES
TOTAL PARKING SPACES REQUIRED	31 SPACES
TOTAL PARKING SPACES PROVIDED	39 SPACES
REQUIRED ADA PARKING	2 SPACES (1 VAN)
PROVIDED ADA PARKING	2 SPACES (1 VAN)

LANDSCAPE AREA (INCLUDING TURF AREAS)

REQUIRED INTERNAL LANDSCAPE AREA (SQUARE FEET - 8 SF PER PARKING SPACE)	336 SF
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SQUARE FEET)	8,364 SF
TOTAL LANDSCAPE AREA (SF)	8,700 SF

WATER METER SCHEDULE

SYMBOL	QUANTITY	DESCRIPTION
①	1	PROPOSED 2" METER (DOMESTIC)
②	1	PROPOSED 1" METER (IRRIGATION)

EXHIBIT A

U.S. HIGHWAY 75
SOUTH BOUND SERVICE ROAD
(VARIABLE WIDTH ROW AS SHOWN ON VOL. 2022, PG. 354, P.R.C.C.T.)



GRAPHIC SCALE

0 20 40 FEET
SCALE: 1" = 20'

SITE PLAN

455/75 BUSINESS ADDITION

LOT 4R, BLOCK A
1.00 ACRE / 43,560 SF
(VOL. 2022, PG. 354 P.R.C.C.T.)
CITY OF ANNA, COLLIN COUNTY, TEXAS
PREPARATION DATE: 06/07/2023

OWNER/APPLICANT
PRESTIGE DEVELOPMENT SOLUTIONS
5115 SHORELINE DRIVE
FRISCO, TEXAS 75034
PH: (626) 712-5754
CONTACT: ANDREW J. ACEDO

LANDSCAPE ARCHITECT
LONDON LANDSCAPES
P.O. BOX 28
COLLINSVILLE, TEXAS 76233
PH: 972-800-6676
CONTACT: AMY LONDON, RLA

ENGINEER
KIRKMAN ENGINEERING, LLC
5200 STATE HIGHWAY 121
COLLEEVILLE, TX 76034
PH: 817-488-4960
CONTACT: SHAWN WALDO, PE

SURVEYOR
BARTON CHAPA SURVEYING
5300 STATE HIGHWAY 121
COLLEEVILLE, TX 76034
PH: 817-864-1957
CONTACT: JACK BARTON, RPLS

PRELIMINARY
FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR
DESIGN REVIEW ONLY AND
NOT INTENDED FOR THE PURPOSES
OF CONSTRUCTION, BIDDING
OR PERMIT. THEY WERE PREPARED
BY, OR UNDER THE SUPERVISION OF:

SHAWN T. WALDO
P.E.# 138653
DATE: June 29, 2023

PRESTIGE DEVELOPMENT
SOLUTIONS
5115 SHORELINE DRIVE
FRISCO, TEXAS 75034
PHONE: (626) 712-5754

DUNKIN' DONUTS
455/75 BUSINESS ADDITION
LOT 4R, BLOCK A
CITY OF ANNA
COLLIN COUNTY, TEXAS

REV. DATE: DESCRIPTION:



KIRKMAN ENGINEERING, LLC
5200 STATE HIGHWAY 121
COLLEEVILLE, TX 76034
TEXAS FIRM NO. 15874

JOB NUMBER: DDN23001_ANNNA DUNKIN
ISSUE DATE: 6/29/2023

SITE PLAN

SHEET:

C3.0

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: 455/75 BUSINESS ADDITION Total Number of Acres: 1.00
Zoning Classification(s): C-2 General Commercial Total Number of Lots: 1
Location: west side of S. Central Expressway, 495± feet south of W. White Street.

Property Owner Information & Authorization

Name/Company: SHREE ANNA REALTY CORP.
Address: 601 N. CONGRESS AVE #433
City: DELRAY BEACH State: FL Zip Code: 33445
Phone: 561-868-8445 Email: admin@delraydonuts.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Andrew J Acedo (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature] Date: 06-06-23

STATE OF: Florida
COUNTY OF: Palm Beach

BEFORE ME, a Notary Public, on this day personally appeared Atul Patel (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6 day of June, 2023



Melanie Lee Ward

NOTARY PUBLIC in and for the State of Texas Florida

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: SHAWN WALDO
Company: KIRKMAN ENGINEERING
Address: 5200 STATE HIGHWAY 121
City: COLLEYVILLE State: TEXAS Zip Code: 76034
Phone: 817-488-4960 Email: SHAWN.WALDO@TRUSTKE.COM

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 11.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Arden Park Phase 1, Block C, Lot 1X, Site Plan.
Applicant: Arden Park Owner TX LLC, a Delaware Limited Liability Company.

SUMMARY:

Amenity center on one lot on 0.4± acre located at the southeast and southwest corner of Hudson Way and West Crossing Boulevard, 445± feet south of W. White Street.
Zoned: Planned Development (Ord. No. 961-2022 & Ord. No. 1009-2022).

The purpose of the Site Plan is to show the proposed amenity center site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Arden Park Phase 1, Block C, Lot 1X Locator Map
2. Exhibit A - (SP) Arden Park Phase 1, Block C, Lot 1X
3. P&Z Application

Site Plan - Arden Park Phase 1, Block C, Lot 1X



THE CITY OF
Anna



 Subject Property

 City Limits

 ETJ

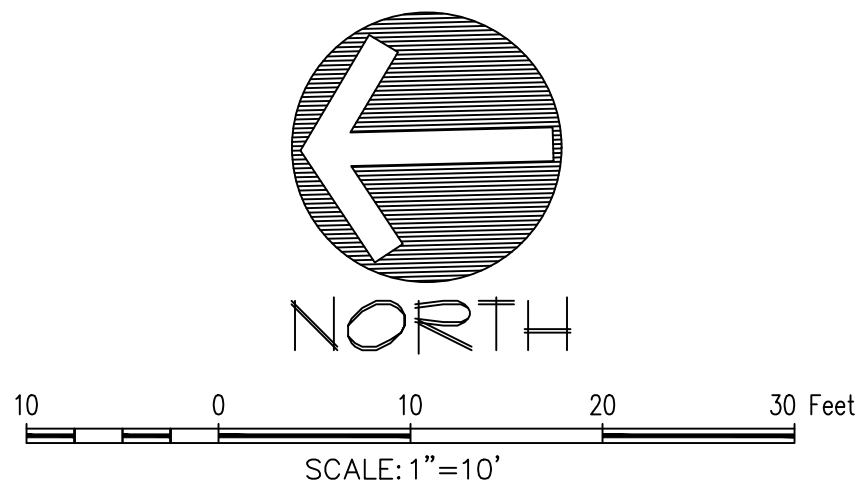
0 100 200 400 Feet

June 2023

File: \\P:\proj\1\20210780- Arden Park\104- Production Engineering\CONSTRUCTION PLANS\PHASE 1
SHEETS\20210780- Arden Park\104- Production Engineering\CONSTRUCTION PLANS\PHASE 1
Drawing: 20210780- Arden Park\104- Production Engineering\CONSTRUCTION PLANS\PHASE 1.dwg, 6/17/2023 4:35 PM, by mcdams

NOTES:

- AMENITY CENTER FOOTPRINT SUBJECT TO CHANGE.
- RETAINING WALL HEIGHT AND MATERIAL SUBJECT TO CHANGE.
- FINAL SHADE STRUCTURES DESIGN, SIZE, AND MATERIALS TO BE DETERMINED BY OWNER AT TIME OF CONSTRUCTION.



Site Data Summary Table	
General Site Data	
Zoning	PD
Land-Use	Amenity Center
Minimum Lot Area	N/A
Building Size	3,000 sf
Maximum Height	30 ft
Max. Lot Coverage	N/A
Total Land Area	0.48 ac
Minimum Lot Width	N/A
Minimum Lot Depth	N/A
Number of Lots	1
Parking	
Parking Ratio	N/A
Required (3,200 sf)	0
Provided	8

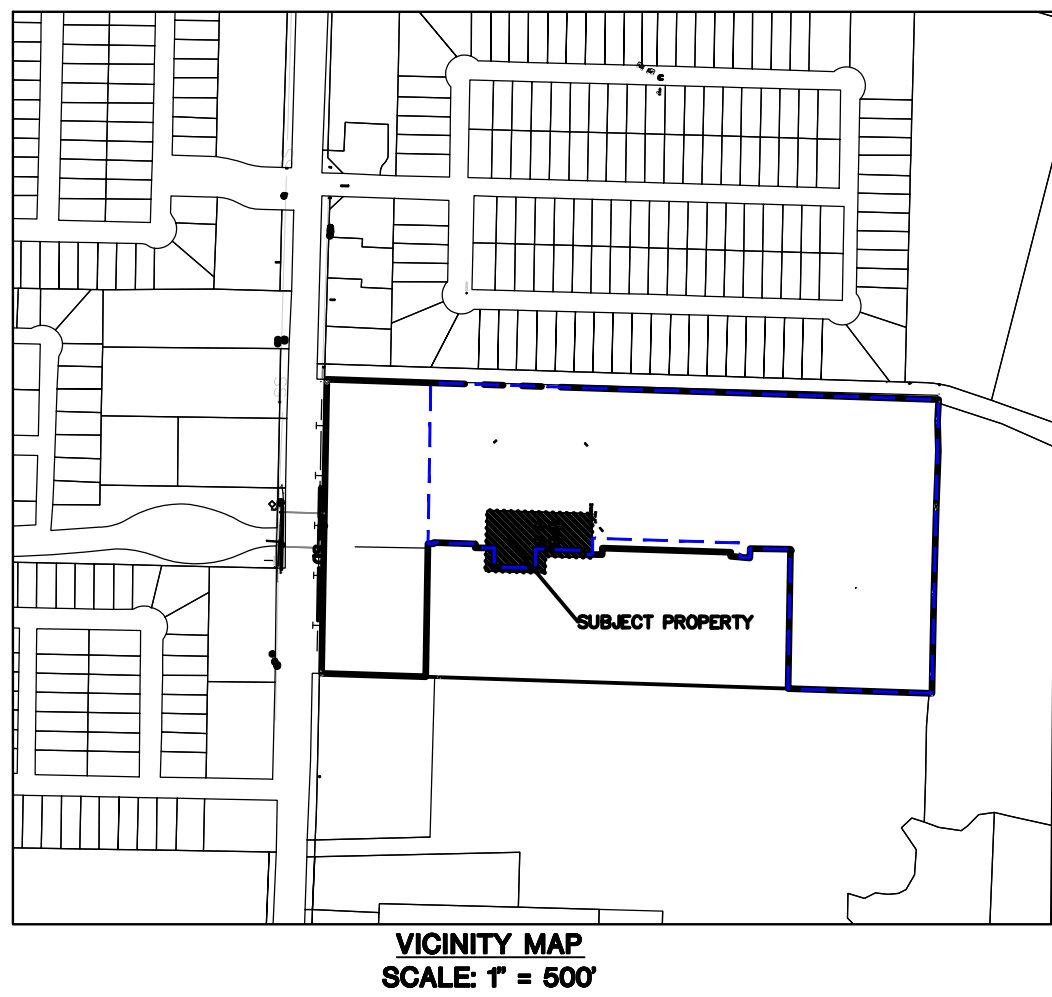


EXHIBIT A

SITE PLAN ARDEN PARK PHASE 1 AMENITY CENTER

Lot 1X, Block C
0.484 Acres/21,083 SF

In the
JOSEPH SCHLUTER SURVEY, ABSTRACT NO. 856
CITY OF ANNA
COLLIN COUNTY, TEXAS



The John R. McAdams
Company, Inc.
(DBA, G&A | McAdams)
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712
201 Country View Drive
Roanoke, Texas 75262
940.240.1012
www.mcdamsco.com
TBPE: 19762 TBPLS: 10194440

DEVELOPER/OWNER
Bridge Tower GP
12801 N. Central Expressway, Suite 1875
Dallas, Texas 75243
Ph. 469.939.1695
Contact: Shaivalli Desai
sdesai@bridgetowerhome.com

APPLICANT
McAdams
111 Hillside Drive
Lewisville, Texas 75077
Ph. 214.250.8068
Contact: amiller@mcdamsco.com

DRAWN BY: MR DATE: 06/23/2023 SCALE: 1" = 10' JOB. No. 2021310780

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Arden Park- Amenity Center Total Number of Acres: 0.360
Zoning Classification(s): PD Total Number of Lots: 1
Location: 1029 West White Street, Anna, Texas

Property Owner Information & Authorization

Name/Company: Arden Park Owner TX LLC, a Delaware limited liability company
Address: 12801 N Central Expressway, Ste 1675
City: Dallas State: Texas Zip Code: 75243
Phone: 214.440.5606 Email: agreen@bridgetowerhome.com (Adam Green)

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate McAdams/ Josh Barton (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

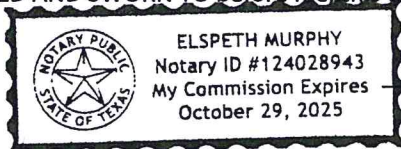
Property Owner's Signature: [Signature] Date: 2/7/2023

STATE OF: TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared CHUP HI HUANG (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 7th day of FEBRUARY, 20 23



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Josh Barton
Company: McAdams
Address: 111 Hillside Drive
City: Lewisville State: Texas Zip Code: 75057
Phone: 469.312.0494 Email: jbarton@mcadamsco.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 12.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Arden Park Phase 2, Final Plat. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.

SUMMARY:

24 Single-family dwelling, attached lots and 31 single-family dwelling, detached lots on 7.5± acres located on the west side of West Crossing Boulevard, 330± feet south of W. White Street. Zoned: Planned Development (Ord. No. 961-2022 & Ord. No. 1009-2022).

The purpose of the Final Plat is to dedicate rights-of-way, easements and lot and block boundaries necessary for the single-family residential development.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Final Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Arden Park Phase 2 Final Plat Locator Map
2. Exhibit A - (FP) Arden Park Phase 2
3. P&Z Application

Final Plat - Arden Park Phase 2



THE CITY OF
Anna

N

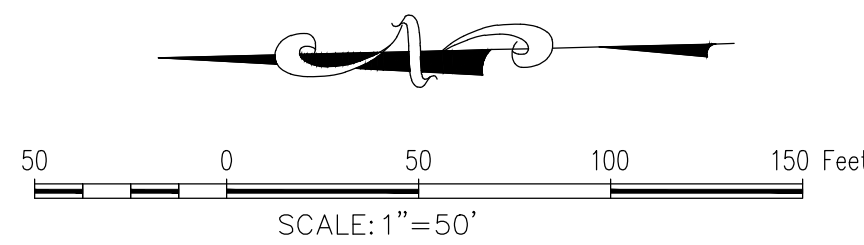
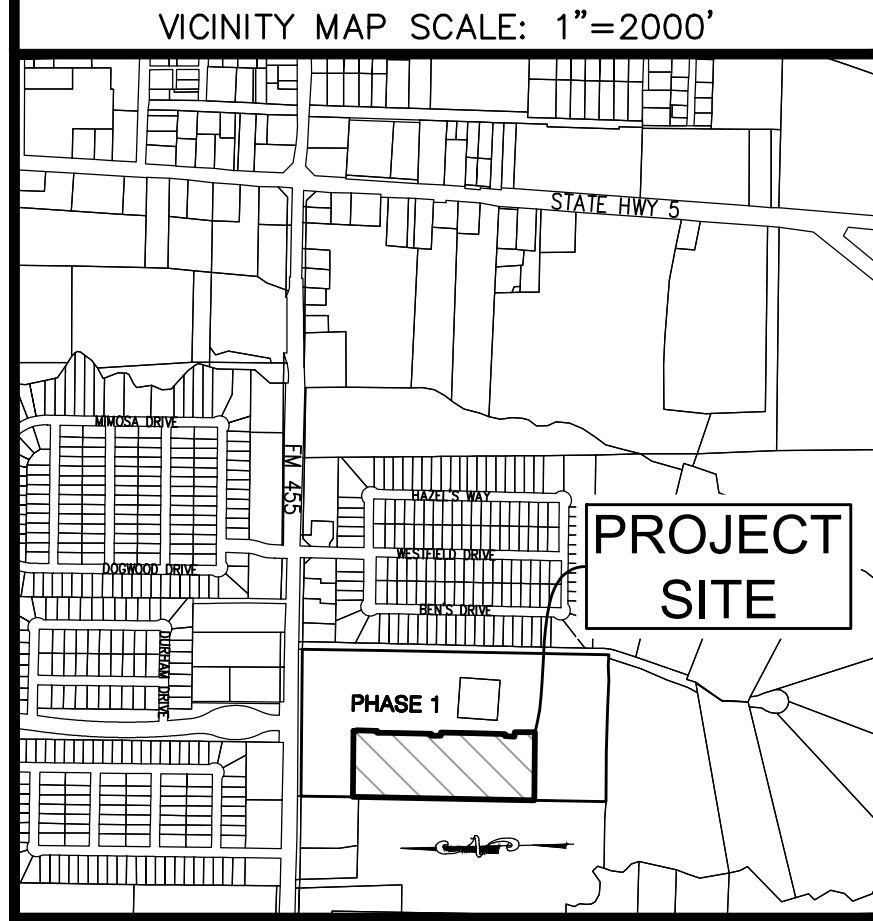
City Limits
ETJ

Subject Property

0 200 400 800 Feet

May 2023

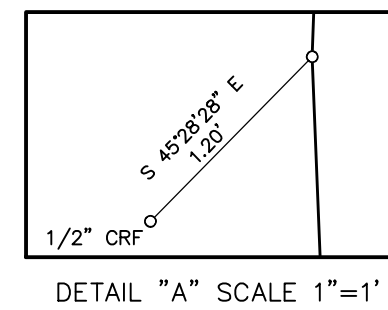
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Project: 6/22/2023 2:17 PM, by Sharon Cotic, Survey, 6/22/2023 2:17 PM, by Sharon



LEGEND	
RF	REBAR FOUND
BL	BUILDING LINE
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
CRF	CAPPED REBAR FOUND
ROW	RIGHT-OF-WAY
SSE	SANITARY SEWER EASEMENT
MAE	MUTUAL ACCESS EASEMENT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PDE	PRIVATE DRAINAGE EASEMENT
VAM	VISIBILITY, ACCESS, AND MAINTENANCE
SWME	SCREENING WALL MAINTENANCE EASEMENT
SVP AE	SIDEWALK, VISIBILITY, AND PEDESTRIAN ACCESS EASEMENT
SF-Z	SF-Z
SF-TH	SF-TH

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	225.00'	2°41'00"	10.54'
C2	275.00'	3°54'18"	18.74'
C3	250.00'	1°51'40"	66.47'
C4	250.00'	1°16'58"	79.77'
C5	250.00'	8°37'30"	37.63'
C6	500.00'	8°37'30"	75.27'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°32'31" W	15.00'
L2	S 89°27'29" E	3.03'
L3	N 89°27'29" W	9.85'
L4	S 00°32'31" W	50.00'
L5	S 89°27'29" E	48.89'
L6	N 89°27'29" W	50.01'
L7	N 89°27'29" W	10.00'
L8	S 00°32'31" W	50.00'
L9	S 89°27'29" E	17.25'
L10	S 04°26'49" W	50.00'
L11	S 89°27'29" E	5.82'
L12	N 88°36'07" W	54.59'
L13	N 46°24'56" E	28.29'
L14	N 01°23'53" E	51.89'
L15	N 07°13'37" W	43.47'



FINAL PLAT
ARDEN PARK
PHASE 2
31 SF-Z Lots, 24 SF-TH Lots,
7.404 Acres
in the
JOSEPH SCHLUTER SURVEY, ABSTRACT NO. 856
CITY OF ANNA
COLLIN COUNTY, TEXAS

Page 1 of 2



The John R. McAdams
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201 Country View Drive
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940.240.1012
TBPE: 19762 TBPLS: 10194440
www.gacon.com
www.mcadamsco.com

DRAWN BY: SC DATE: 2/20/2023 SCALE: 1"=50' JOB. NO.

LUX2021
310780

OWNER/DEVELOPER
ARDEN PARK OWNER, LLC
12801 N. CENTRAL EXPRESSWAY
STE 1675
DALLAS, TEXAS
Ph. 214.440.5806
Contact: ADAM GREEN

LEGAL DESCRIPTION

BEING all that certain lot, tract, or parcel of land, situated in the Joseph Schluter Survey, Abstract Number 856, City of Anna, Collin County, Texas, and being part of that certain tract of land, described by deed to Colby Harlow, Trustee of the Sheryl Harlow Family Trust, recorded in Instrument Number 20110721000760500, Deed Records, Collin County, Texas, and including the one acre, un-described tract of land, immediately surrounding the existing residence, less and except that certain tract of land, described by deed as Parcel 25 to the State of Texas, recorded in Instrument Number 201206080006840, Deed Records, Collin County, Texas, being part of that certain tract of land, described by deed to Arden Park Owner TX, LLC, recorded in Instrument Number 2022000069307, Deed Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" capped rebar found, stamped "RPLS 5633", at the northwest corner of said Harlow tract, same being the southwest corner of said Parcel 25, same being the northeast corner of that certain tract of land, described by deed to Aziz Hassan, recorded in Instrument Number 20190322000298780, Deed Records, Collin County, Texas, same being the northwest corner of a certain tract of land, described by deed to Welltower OM Group, LLC, recorded in Instrument Number 2022000152002, Deed Records, Collin County, Texas, and being in the south line of West White Street (FM 455, called 90-foot right-of-way);

THENCE S 01°23'53" W, with the west line of said Harlow tract, and the east line of said Aziz Hassan tract, a distance of 271.03 feet to the POINT OF BEGINNING being a 1/2" capped rebar set, stamped "MCADAMS"; THENCE over, across and through said Harlow tract, the following 20 (eighteen) calls:

S 89°27'29" E, a distance of 346.78 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 00°32'31" W, a distance of 15.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 89°27'29" E, a distance of 3.03 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 01°23'53" W, a distance of 108.01 feet to a 1/2" capped rebar set, stamped "MCADAMS";

N 89°27'29" W, a distance of 9.85 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 00°32'31" W, a distance of 50.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 89°27'29" E, a distance of 48.89 feet to a 1/2" rebar set, stamped "MCADAMS";

S 01°23'53" W, a distance of 108.01 feet to a 1/2" rebar set, stamped "MCADAMS";

N 89°27'29" W, a distance of 50.01 feet to a 1/2" rebar set, stamped "MCADAMS";

S 01°23'53" W, a distance of 123.01 feet to a 1/2" rebar set, stamped "MCADAMS";

N 89°27'29" W, a distance of 10.00 feet to a 1/2" rebar set, stamped "MCADAMS";

S 00°32'31" W, a distance of 50.00 feet to a 1/2" rebar set, stamped "MCADAMS";

S 89°27'29" E, a distance of 17.25 feet to a 1/2" rebar set, stamped "MCADAMS";

S 01°23'53" W, a distance of 334.99 feet to a 1/2" rebar set, stamped "MCADAMS";

Northwesterly, with the arc of a curve to the right, having a radius of 225.00 feet, a central angle of 02°41'00", and an arc length 10.54 feet, whose chord bears N 86°53'42" W, 10.54 feet, to a 1/2" rebar set, stamped "MCADAMS";

S 04°26'49" W, a distance of 50.00 feet to a 1/2" rebar set, stamped "MCADAMS";

Southeasterly, with the arc of a curve to the left, having a radius of 275.00 feet, a central angle of 03°54'18", and an arc length 18.74 feet, whose chord bears S 87°30'20" E, 18.74 feet, to a 1/2" rebar set, stamped "MCADAMS";

S 89°27'29" E, a distance of 5.82 feet to a 1/2" rebar set, stamped "MCADAMS";

S 00°32'31" W, a distance of 105.00 feet to a 1/2" rebar set, stamped "MCADAMS";

N 89°27'29" W, a distance of 362.98 feet to a 1/2" capped rebar set, stamped "MCADAMS" in the west line of said Harlow tract, same being the east line of a certain tract of land, described by deed to the City of Anna, recorded in Instrument Number 20060714000982730, Deed Records, Collin County, Texas, from which a 1/2" rebar found at the southwest corner of said Harlow tract bears S 01°23'53" W 374.81 feet;

THENCE N 01°23'53" E, with the west line of said Harlow tract, and the east line of said City of Anna tract, passing at a distance of 908.81 feet a 1/2" capped rebar found, stamped "BRENNAN 5360" at the northeast corner thereof, same being the southeast corner of said Hassan tract, continuing with east line thereof a total distance of 944.11 feet to the POINT OF BEGINNING and containing approximately 7.404 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, ARDEN PARK OWNER TX., LLC, acting herein by and through it's duly authorized officers, does hereby adopt this plat designating the hereinabove described property as ARDEN PARK, PHASE 2, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

WITNESS MY HAND this _____ day of _____, 2023.

BY: Arden Park Owner TX, LLC
a Delaware limited liability company

Chun Yi Huang
Vice President

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared ADAM GREEN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2023.

Notary Public State of Texas

My commission expires the _____ day of _____, _____.

DRAINAGE EASEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

CITY OF ANNA §

This plat is hereby adopted by the Owners and approved by the City of Anna (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Lots 17 & 16, Block D, as shown on the plat is called "Detention Easement." The Drainage Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

ACCESS EASEMENT

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

VAM EASEMENT AND SVPAE

The area or areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) easement(s) and "SVPAE" (Sight, Visibility, and Pedestrian Access Easements) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM/SVPAE easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM/SVPAE easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM/SVPAE easement at any time. The ultimate maintenance responsibility for the VAM/SVPAE easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM/SVPAE easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM/SVPAE easement, to erect any traffic control devices or signs on the VAM/SVPAE easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM/SVPAE easement or any part thereof for the purposes and with all rights and privileges set forth herein.

CERTIFICATE OF APPROVAL

APPROVED on this the _____ day of _____, 2023, by the City Council, City of Anna, Texas.

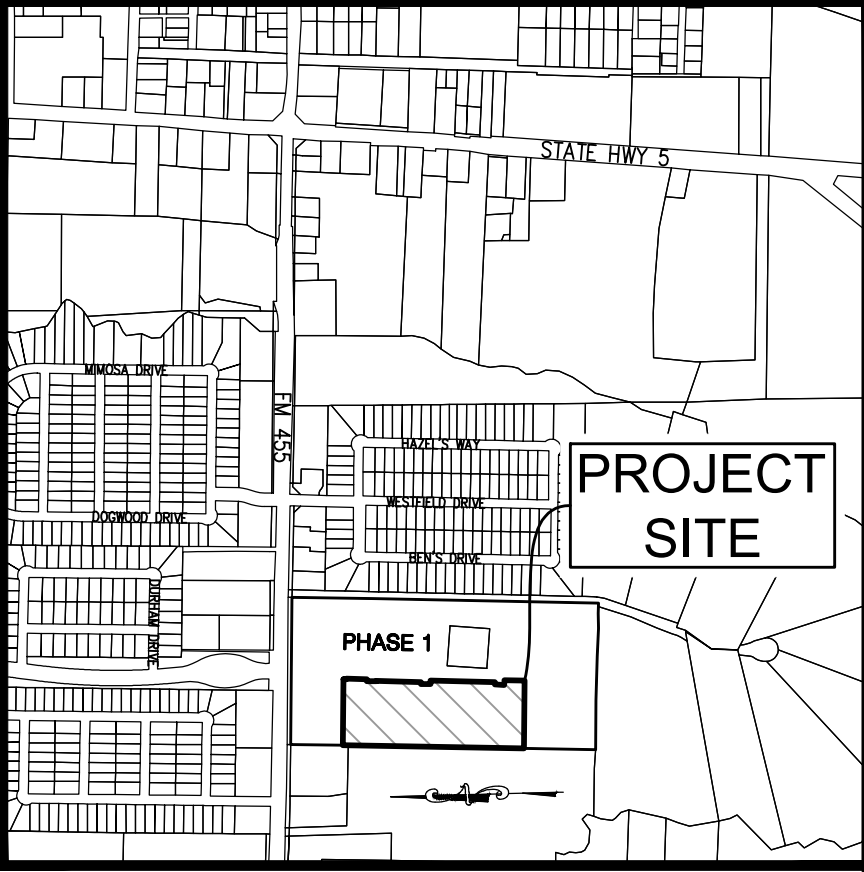
Mayor

City Secretary

NOTES:

- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
- Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners. MCADAMS, and the Surveyor shall not be liable for any unauthorized use hereof.
- No flood zone area analysis has been performed by MCADAMS on the subject property.
- According to Community/Panel No. 48085C0160 J, effective June 2, 2009, of the FLOOD INSURANCE RATE MAP for Collin County, Texas & Incorporated Areas, by graphic plotting only, this property appears to be within Flood Zone "X" (areas of minimal flooding). This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- All corners are 1/2" capped rebar set, stamped "MCADAMS", unless noted otherwise.
- Retaining walls shall be owned and maintained by the HOA (Home Owner's Association), Iron fencing is to be owned and maintained by the HOA, Uniform wood fencing adjacent to HOA common area lots running parallel to the primary streets shall be owned and maintained by the HOA.
- Maintenance responsibility of the private drainage easements & appurtenances is the HOA.
- Screening wall easements to be maintained by adjoining commercial lot.
- No appurtenance between the height of 2.5' and 10' may be placed in the visibility triangles.
- Fence adjacent to city park along alley shall be owned and maintained by the HOA.

Notice: — Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.



LOT / BLOCK ANALYSIS		
BLOCK	SQUARE FEET	ACRES
A	36,184	0.831
C	36,076	0.828
D	109,985	2.525
E	62,053	1.425
ROW	78,178	1.795
OVERALL SITE	322,476	7.404

EXHIBIT A
Sheet 2 of 2

FINAL PLAT
ARDEN PARK
PHASE 2

31 SF-Z Lots, 24 SF-TH Lots,
7.404 Acres

in the
JOSEPH SCHLUTER SURVEY, ABSTRACT NO. 856
CITY OF ANNA
COLLIN COUNTY, TEXAS

Page 2 of 2



The John R. McAdams
Company, Inc.
111 Hillside Drive
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201 Country View Drive
Roanoke, Texas 76262
940.240.1012

TBPE: 19762 TBPLS: 10194440
www.gacon.com
www.mcadamsco.com

DRAWN BY: SC DATE: 2/20/2023 SCALE: NTS JOB. No.

LUX2021
310780

OWNER/DEVELOPER
ARDEN PARK OWNER TX, LLC
12801 N. CENTRAL EXPRESSWAY
STE 1675
DALLAS, TEXAS
Ph. 214.440.5806
Contact: Adam Green

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Arden Park - Phase II Total Number of Acres: 7.404
Zoning Classification(s): SF & TH Total Number of Lots: 31 SF-Z, 24 SF-TH
Location: 1029 West White Street, Anna Texas

Property Owner Information & Authorization

Name/Company: Arden Park Owner TX LLC
Address: 12801 N Central Expressway, Ste 1675
City: Dallas State: Texas Zip Code: 75243
Phone: 469.936.1691 Email: anuss@bridgetowerhome.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate McAdams/ Josh Barton (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

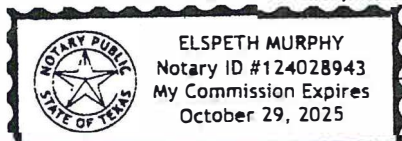
Property Owner's Signature: [Signature] Date: 3-7-2023

STATE OF: TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared CHUN 41 HUANG (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 4TH day of MARCH, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Josh Barton

Company: McAdams

Address: 111 Hillside Drive

City: Lewisville State: Texas Zip Code: 75057

Phone: 469.312.0494 Email: jbarton@mcadamsco.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 13.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Arden Park Phase 2, Site Plan. Applicant: Arden Park Owner TX, LLC, a Delaware Limited Liability Company.

SUMMARY:

24 Single-family dwelling, attached lots, 31 single-family dwelling, detached lots on 7.5± acres located on the west side of West Crossing Boulevard, 330± feet south of W. White Street. Zoned: Planned Development (Ord. No. 961-2022 & Ord. No. 1009-2022).

The purpose of the Site Plan is to show the proposed single-family residential development site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Arden Park Phase 2 Site Plan Locator Map
2. Exhibit A - (SP) Arden Park Phase 2
3. P&Z Application

Site Plan - Arden Park Phase 2



THE CITY OF
Anna

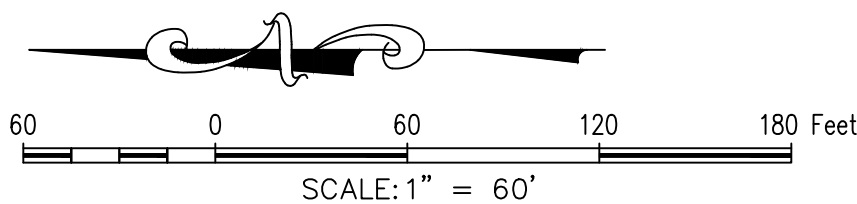
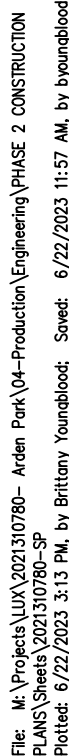
N

City Limits
ETJ

Subject Property

0 200 400 800 Feet

May 2023



APPLICANT
McAdams
111 Hillside Drive
Lewisville, Texas 75077
Josh Barton
Ph. 972.436.9712
Contact: jbarton@mcadamsco.com

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Arden Park - Phase II Total Number of Acres: 7.404
Zoning Classification(s): SF & TH Total Number of Lots: 31 SF-Z, 24 SF-TH
Location: 1029 West White Street, Anna Texas

Property Owner Information & Authorization

Name/Company: Arden Park Owner TX LLC
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City: Dallas State: Texas Zip Code: 75243
Phone: 469.936.1691 Email: anuss@bridgetowerhome.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate McAdams/ Josh Barton (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

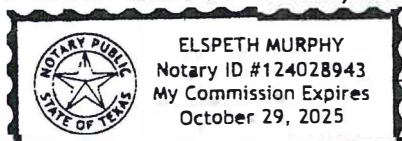
Property Owner's Signature: [Signature] Date: 3-7-2023

STATE OF: TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared CHUN 41 HUANG (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 7TH day of MARCH, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Josh Barton

Company: McAdams

Address: 111 Hillside Drive

City: Lewisville State: Texas Zip Code: 75057

Phone: 469.312.0494 Email: jbarton@mcadamsco.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 14.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lot 2R, Replat.
Applicant: Jeff Williams / Anna Southgate, LLC.

SUMMARY:

Multiple-family residences on one lot on 13.2± acres located on the west side of Buddy Hayes Boulevard, 1,220± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

The purpose for the Replat is to dedicate easements and lot and block boundaries necessary for the creation of a multiple-family residential development.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

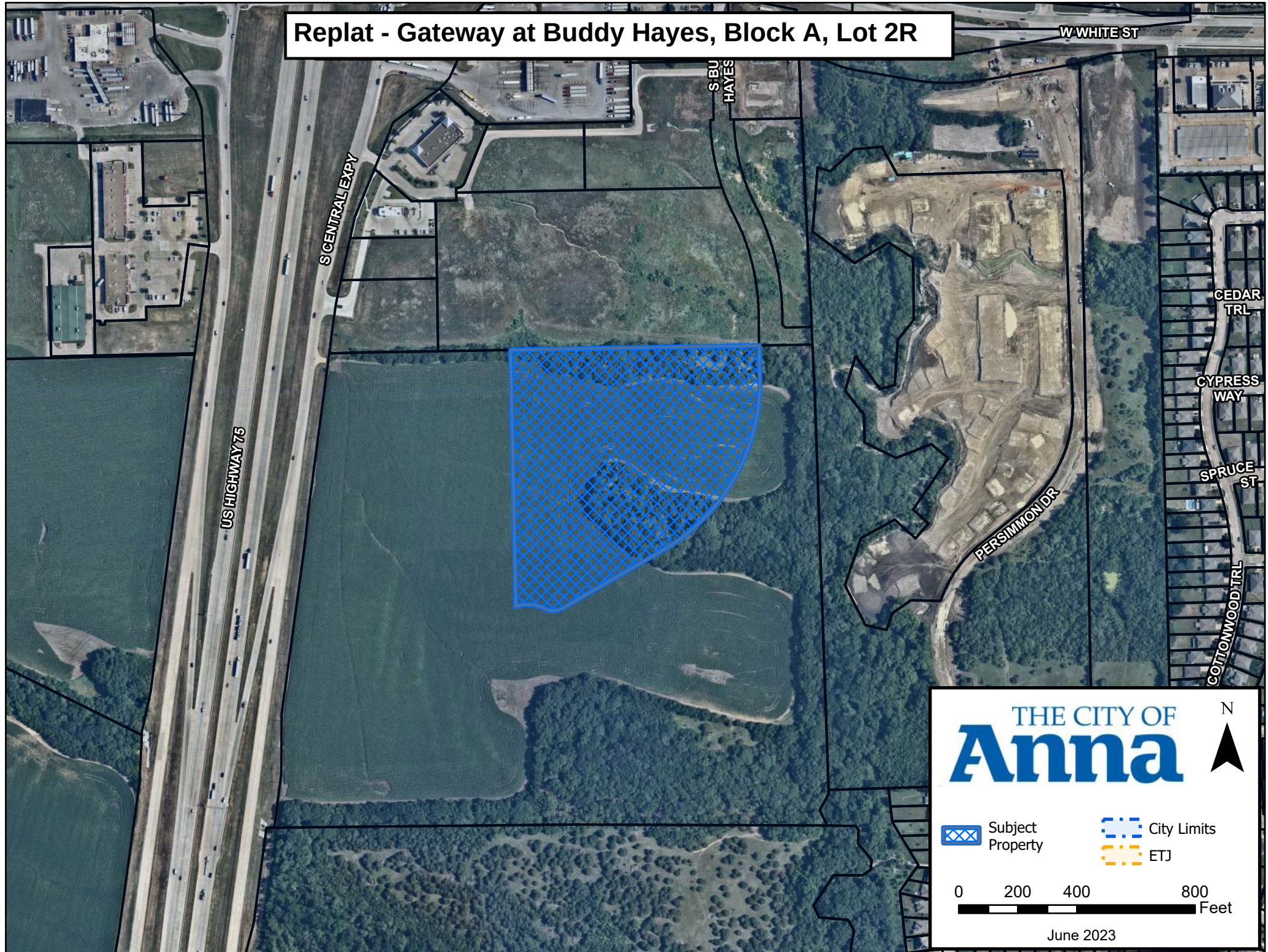
STAFF RECOMMENDATIONS:

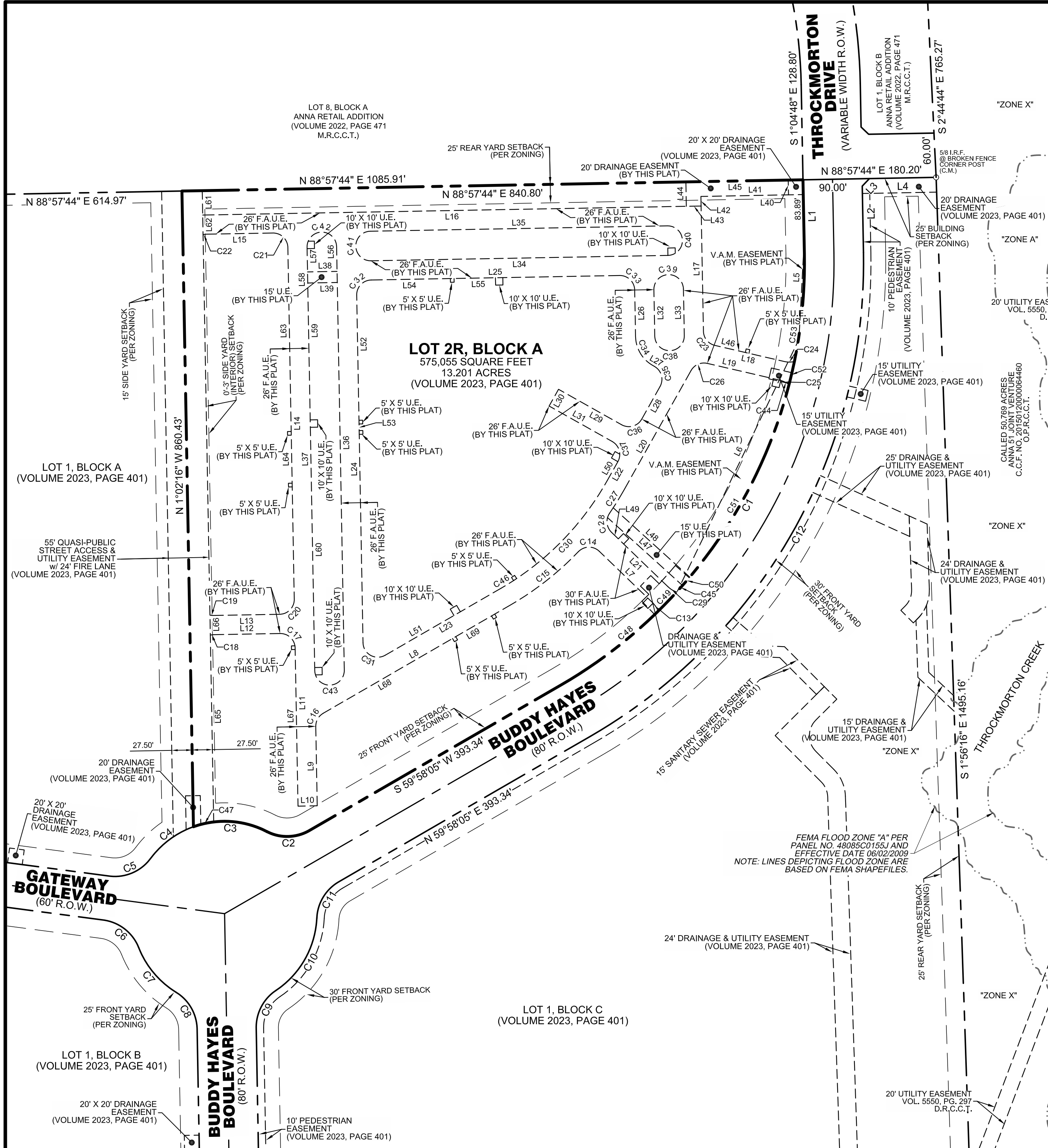
The Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Gateway at Buddy Hayes, Block A, Lot 2R Replat Locator Map
2. Exhibit A - (RP) Gateway at Buddy Hayes, Block A, Lot 2R
3. P&Z Application

Replat - Gateway at Buddy Hayes, Block A, Lot 2R





LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S01° 04' 48"E	100.00'
L2	N01° 04' 48"W	89.94'
L3	N43° 56' 14"E	14.14'
L4	N88° 57' 44"E	90.20'
L5	N03° 03' 06"E	125.18'
L6	N25° 46' 12"E	376.08'
L7	N46° 02' 35"W	100.35'
L8	S59° 58' 05"W	293.06'
L9	S01° 02' 28"E	107.52'
L10	S88° 57' 32"W	26.00'
L11	N01° 02' 28"W	214.08'
L12	S88° 57' 44"W	89.98'
L13	N88° 57' 44"E	89.98'
L14	N01° 02' 28"W	476.08'
L15	S88° 57' 44"W	89.95'
L16	N88° 57' 44"E	674.73'
L17	S01° 04' 48"E	169.55'
L18	S76° 55' 53"E	96.55'
L19	N76° 55' 53"W	101.07'
L20	S29° 18' 32"W	185.60'
L21	S46° 02' 35"E	106.32'
L22	S29° 18' 32"W	29.81'
L23	S59° 58' 05"W	181.04'

LINE TABLE		
LINE	DIRECTION	LENGTH
L24	N01° 02' 28"W	470.61'
L25	N88° 57' 54"E	336.37'
L26	S01° 04' 48"E	62.99'
L27	S60° 41' 28"E	2.34'
L28	S29° 18' 32"W	50.60'
L29	N60° 41' 28"W	98.00'
L30	S29° 18' 32"W	26.00'
L31	S60° 41' 28"E	98.00'
L32	N01° 04' 48"W	62.96'
L33	S01° 04' 48"E	62.96'
L34	S88° 57' 44"W	402.17'
L35	N88° 57' 44"E	402.17'
L36	S01° 02' 28"E	573.18'
L37	N01° 02' 28"W	573.18'
L38	N88° 57' 44"E	40.00'
L39	N88° 57' 44"E	40.00'
L40	S01° 04' 48"E	20.00'
L41	S88° 56' 19"W	118.59'
L42	S01° 02' 16"E	12.94'
L43	S88° 57' 44"W	20.00'
L44	N01° 02' 16"W	33.00'
L45	N88° 58' 06"E	138.57'
L46	S76° 55' 53"E	42.34'

LINE TABLE		
LINE	DIRECTION	LENGTH
L47	N47° 50' 45"W	136.94'
L48	S47° 50' 45"E	139.77'
L49	S46° 02' 35"E	12.89'
L50	N29° 18' 32"E	29.61'
L51	N59° 58' 05"E	107.50'
L52	S01° 02' 28"E	169.50'
L53	S01° 02' 28"E	9.00'
L54	N88° 57' 54"E	107.21'
L55	N88° 57' 54"E	56.00'
L56	S01° 02' 28"E	33.50'
L57	S01° 02' 28"E	31.50'
L58	S01° 02' 28"E	15.00'
L59	S01° 02' 28"E	185.32'
L60	S01° 02' 28"E	325.18'
L61	S01° 02' 16"E	33.00'
L62	N01° 02' 16"W	26.51'
L63	S01° 02' 28"E	249.00'
L64	S01° 02' 28"E	65.00'
L65	N01° 02' 16"W	252.89'
L66	N01° 02' 16"W	27.03'
L67	N01° 02' 28"W	212.00'
L68	N59° 58' 05"E	202.25'
L69	N59° 58' 05"E	56.06'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	61° 02' 53"	660.00'	703.22'	S29° 26' 39"W	670.43'
C2	57° 16' 46"	60.00'	59.98'	S88° 36' 28"W	57.52'
C3	46° 56' 54"	125.00'	102.43'	N86° 13' 36"W	99.58'
C4	33° 40' 09"	125.00'	73.45'	S53° 27' 53"W	72.40'
C5	60° 53' 24"	60.00'	63.76'	S67° 04' 30"W	60.81'
C6	60° 53' 24"	60.00'	63.76'	S52° 02' 05"E	60.81'
C7	36° 43' 39"	125.00'	80.13'	S39° 57' 13"E	78.76'
C8	57° 16' 46"	60.00'	59.98'	S29° 40' 39"E	57.52'
C9	57° 16' 46"	60.00'	59.98'	N27° 36' 07"E	57.52'
C10	53° 33' 12"	125.00'	116.84'	N29° 27' 55"E	112.63'
C11	57° 16' 46"	60.00'	59.98'	N31° 19' 42"E	57.52'
C12	61° 02' 53"	740.00'	788.46'	N29° 26' 39"E	751.69'
C13	26° 19' 15"	30.00'	13.78'	N32° 47' 40"W	13.66'
C14	90° 13' 19"	20.00'	31.49'	S88° 50' 45"W	28.34'
C15	16° 13' 59"	413.00'	117.01'	S51° 51' 05"W	116.62'
C16	61° 00' 33"	20.00'	21.30'	S29° 27' 48"W	20.30'
C17	89° 59' 48"	20.00'	31.41'	N46° 02' 22"W	28.28'
C18	13° 00' 27"	20.00'	4.54'	S82° 27' 39"W	4.53'
C19	13° 00' 27"	20.00'	4.54'	S84° 32' 02"E	4.53'
C20	90° 00' 12"	20.00'	31.42'	N43° 57' 38"E	28.29'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C21	89° 59' 48"	20.00'	31.41'	N46° 02' 22"W	28.28'
C22	13° 00' 10"	20.00'	4.54'	S82° 27' 39"W	4.53'
C23	75° 51' 05"	20.00'	26.48'	S39° 00' 20"E	24.59'
C24	26° 10' 23"	30.00'	13.70'	N89° 58' 56"E	13.59'
C25	26° 10' 23"	30.00'	13.70'	N63° 50' 42"W	13.59'
C26	73° 45' 35"	20.00'	25.75'	S66° 11' 20"W	24.01'
C27	5° 07' 10"	413.00'	36.90'	S31° 52' 07"W	36.89'
C28	80° 28' 17"	20.00'	28.09'	S05° 48' 26"E	25.84'
C29	26° 22' 47"	30.00'	13.81'	S59° 08' 40"E	13.69'
C30	30° 39' 33"	387.00'	207.08'	S44° 38' 19"W	204.62'
C31	118° 59' 27"	20.00'	41.54'	N60° 32' 12"W	34.46'
C32	90° 00' 12"	20.00'	31.42'	N43° 57' 38"E	28.29'
C33	89° 53' 43"	20.00'	31.38'	S46° 01' 39"E	28.26'
C34	59° 50' 40"	46.00'	47.86'	S30° 53' 08"E	45.73'
C35	90° 00' 00"	20.00'	31.42'	S15° 41' 28"E	28.28'
C36	90° 00' 00"	20.00'	31.42'	S74° 18' 32"W	28.28'
C37	90° 00' 00"	20.00'	31.42'	S15° 41' 28"E	28.28'
C38	180° 00' 00"	20.00'	62.83'	S88° 55' 12"W	40.00'
C39	180° 00' 00"	20.00'	62.83'	N88° 55' 12"E	40.00'
C40	180° 00' 00"	20.00'	62.83'	S01° 02' 16"E	40.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C41	180° 00' 00"	20.00'	62.83'	N01° 02' 16"W	40.00'
C42	180° 00' 00"	20.00'	62.83'	N88° 57' 32"E	40.00'
C43	180° 00' 00"	20.00'	62.83'	S88° 57' 32"W	40.00'
C44	24° 15' 46"	30.00'	12.70'	N62° 53' 23"W	12.61'
C45	1° 01' 19"	660.00'	11.77'	N41° 55' 55"E	11.77'
C46	2° 57' 45"	387.00'	20.01'	N58° 29' 13"E	20.01'
C47	12° 55' 26"	125.00'	28.20'	N76° 45' 40"E	28.14'
C48	14° 22' 45"	660.00'	165.64'	N52° 46' 42"E	165.20'
C49	3° 08' 45"	660.00'	36.24'	N44° 00' 57"E	36.23'
C50	1° 18' 09"	660.00'	15.00'	N40° 46' 11"E	15.00'
C51	25° 39' 14"	660.00'	295.51'	N27° 17' 29"E	293.05'
C52	2° 47' 29"	660.00'	32.16'	N13° 04' 07"E	32.15'
C53	0° 48' 51"	660.00'	9.38'	S08° 48' 35"W	9.38'

- NOTES
- Selling a portion of this addition by metes and bounds is a violation of city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
 - Quasi-Public Street Definition: Quasi-public streets are privately owned and maintained drives open to public access. A quasi-public street easement shall be dedicated for all quasi-public streets, and a fire lane shall be located within all quasi-public street easements. On-street parking and sidewalks provided along quasi-public streets shall be located within the quasi-public street easement. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of the quasi-public streets.
 - The reason for this Replat is to dedicate easements for development.

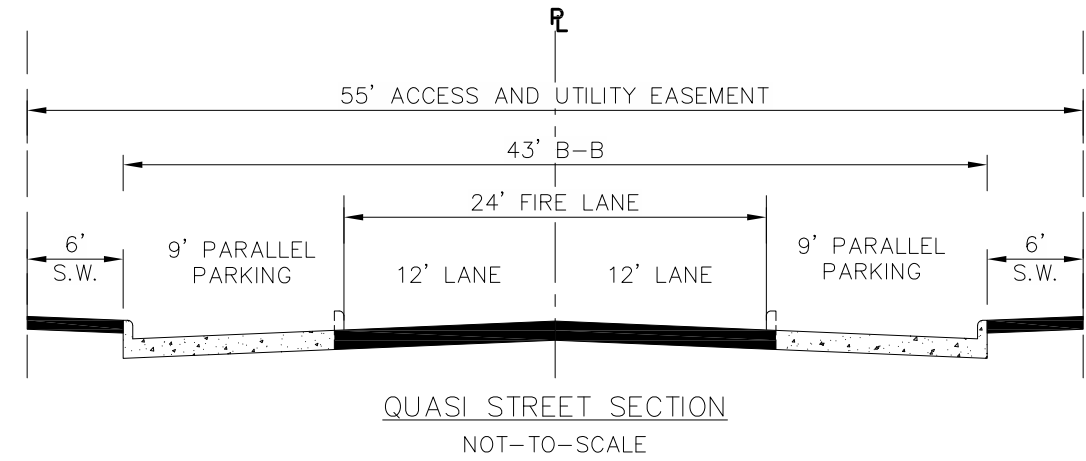


EXHIBIT A

REPLAT
LOT 2R, BLOCK A
GATEWAY AT BUDDY HAYES
13.201 ACRES / 575,055 SQUARE FEET
OUT OF
THOMAS RATTAN SURVEY, ABSTRACT NO. 782
CITY OF ANNA, COLLIN COUNTY, TEXAS

DATE	REVISION DESCRIPTION

OWNER/DEVELOPER:
Anna Southgate, LLC
4514 Travis Street
Suite 211
Dallas, Texas 75205
Contact: Ryan Spring
(214) 380-5404

ENGINEER:
LINCOLN CONSULTING & ENGINEERING
P.O. Box 1178
Wylie, TX 75098
Contact: Joshua Lincoln
Josh@lincolne.com
(214) 708-5010

PROJECT INFORMATION
Date of Survey: 07/07/2022
Date of Drawing: 06/27/2023
Job Number: 2220805
Drawn By: J.L.L.
File: 2220805 Gateway MF-Replat.Dwg
SHEET 1 OF 1

SCI
Survey Consultants, Inc.
903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.com
TBPLS Firm No. 10139600

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Anna Southgate, LLC, a Texas limited partnership, acting herein by and through it's duly authorized officer(s), does hereby adopt this replat designating the herein above described property as **LOT 2R, BLOCK A, GATEWAY AT BUDDY HAYES**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This plat is hereby adopted by the Owners and approved by the City of Anna (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Block A, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

The area or areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

BY: Anna Southgate, LLC

(Authorized Signature)

Date

(Printed Name)

(Title)

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared _____ (Title) _____ for **Anna Southgate, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed as the act and deed of said **Anna Southgate, LLC**, as in the capacity therein stated.

Given under my hand and seal of office this the ____ day of _____, 2023.

Notary Public in and for the State of Texas

Printed Name of Notary _____ My Commission Expires: _____

OWNER'S CERTIFICATE

WHEREAS Anna Southgate, LLC, is the owner of a parcel of land situated in the City of Anna, Collin County, Texas, out of the Thomas Rattan Survey, Abstract No. 782, and being Lot 2, Block A, of Gateway at Buddy Hayes Lots 1 & 2, Block A, Lot 1, Block B, and Lot 1, Block C according to the plat filed for record in Volume 2023, Page 401, Map Records, Collin County, Texas.

SURVEYOR'S CERTIFICATE

THAT I, **Douglas S. Loomis**, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Anna, Texas.

PRELIMINARY

THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE
AND IS NOT TO BE RELIED UPON AS
A FINAL SURVEY DOCUMENT

Douglas S. Loomis
Registered Professional Land Surveyor No. 5199

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared **Douglas S. Loomis**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2023.

NOTARY PUBLIC, STATE OF TEXAS

CERTIFICATE OF APPROVAL

Approved On this the ____ day of _____, 2023 by the City Council, City of Anna, Texas.

Mayor

City Secretary

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: GATEWAY AT BUDDY HAYES Total Number of Acres: 14
Zoning Classification(s): PD Total Number of Lots: 1
Location: APPROX. 1800' SOUTH OF WHITE STREET, WEST OF BUDDY HAYES BOULEVARD

Property Owner Information & Authorization

Name/Company: JEFF WILLIAMS / ANNA SOUTHGATE, LLC
Address: 4514 TRAVIS ST #211
City: DALLAS State: TX Zip Code: 75205
Phone: (214) 380-5404 Email: JWILLIAMS@HPCAPITAL.COM

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate ERIC SEELEY / LINCOLN C&E, INC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

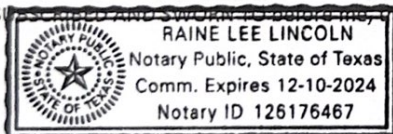
Property Owner's Signature: [Signature] Date: 6/7/23

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Jeff Williams (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

Subscribed and sworn to before me, this 7th day of June, 2023



Raine Lee Lincoln
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: ERIC M. SEELEY, P.E.

Company: LINCOLN CONSULTING & ENGINEERING, INC

Address: P.O. BOX 1176

City: WYLIE State: TX Zip Code: 75098

Phone: (214) 673-8869 Email: ERIC@LINCOLNCE.COM

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 15.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Gateway at Buddy Hayes, Block A, Lot 2R, Site Plan.
Applicant: Jeff Williams / Anna Southgate, LLC.

SUMMARY:

Multiple-family residences on one lot on 13.2± acres located on the west side of Buddy Hayes Boulevard, 1,200± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

The purpose of the Site Plan is to show the proposed multiple-family residential development site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Gateway at Buddy Hayes, Block A, Lot 2R Site Plan Locator Map
2. Exhibit A - (SP) Gateway at Buddy Hayes, Block A, Lot 2R
3. P&Z Application

Site Plan - Gateway at Buddy Hayes, Block A, Lot 2R



THE CITY OF
Anna

N

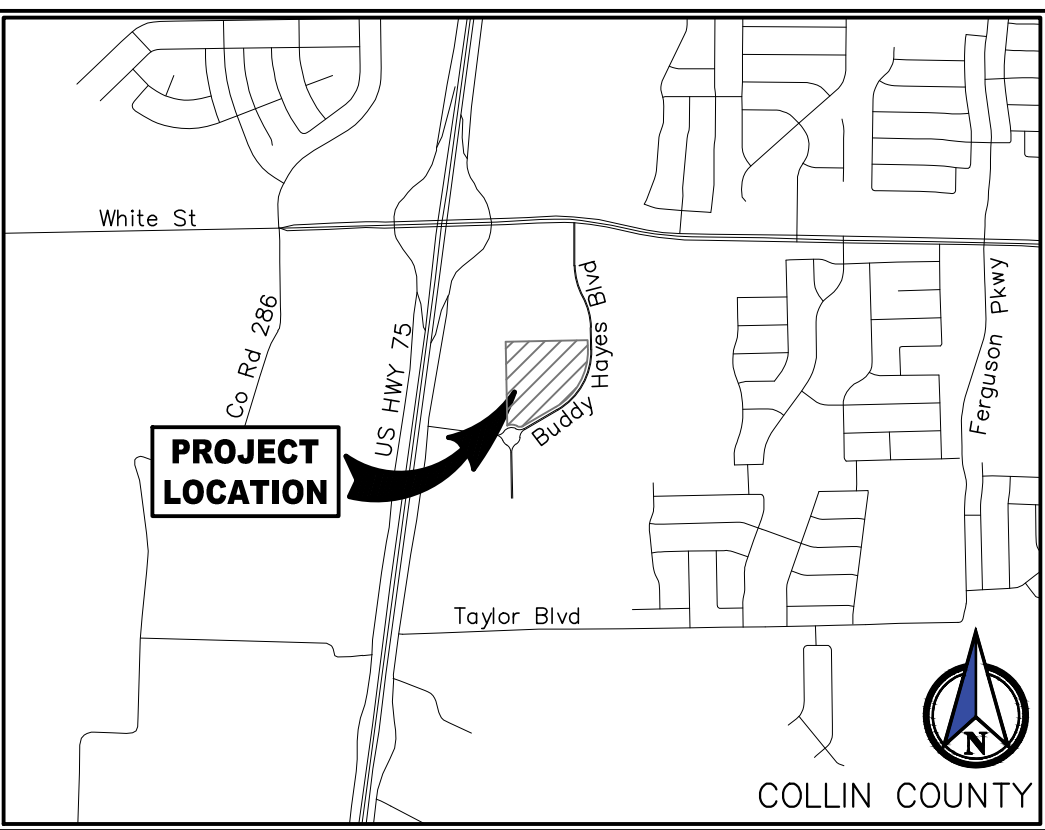
Subject Property

City Limits

ETJ

0 200 400 800 Feet

June 2023



LEGEND			
	PROP. FIRE LANE		PROP. FIRE HYDRANT
	ACCESSIBLE CROSSWALK		PROP. FIRE DEPT. CONNECTION
	PROP. ACCESSIBLE ROUTE		PROP. WATER METER AND VAULT
	BOUNDARY LINE		PROP. WATER METER
	PROPERTY LINE		PROP. WATER VALVE
	RIGHT-OF-WAY LINE		PROP. SEWER DOUBLE CLEANOUT
	EASEMENT LINE		PROP. SEWER SINGLE CLEANOUT
	SETBACK/ BUILDING LINE		PROP. SEWER MANHOLE
	SITE TRIANGLE		SIDE WALK
	EXISTING CONTOUR		PROP. GRATE INLET
	CHAIN LINK FENCE		PROP. JUNCTION BOX
	ORNAMENTAL FENCE		CURB INLET
	WOOD FENCE		DRAINAGE EASEMENT
	BARRIER FREE RAMP (ADA RAMP)		UTILITY EASEMENT
	SURFACE PARKING COUNT		FIRE LANE, ACCESS, & UTILITY EASEMENT
	CARPORT PARKING COUNT		
	PROP. LIGHT POLE 1-FIXTURE		
	PROP. LIGHT POLE 2-FIXTURES		

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL WORK, UNLESS OTHERWISE NOTED, SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, ISSUED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, AND STANDARDS SPECIFIED THEREIN.
3. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL BE FAMILIAR WITH THE PLANS INCLUDING ALL NOTES, THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, AND ANY OTHER APPLICABLE ORDINANCES AND SPECIFICATIONS RELEVANT TO THE PROJECT. COMPLETION OF THE WORK SPECIFIED, FAILURE TO FURNISH THE PLAN TO THE CONTRACTOR, OR BE FAMILIAR WITH ALL STANDARDS AND SPECIFICATION PERTAINING TO THIS WORK SHALL IN ANY RELIEVE THE CONTRACTOR OF RESPONSIBILITY OF PERFORMING THE WORK IN ACCORDANCE WITH ALL SUCH APPLICABLE STANDARDS AND SPECIFICATIONS.
4. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL EXISTING SUBSURFACE UTILITIES HAVE BEEN DETERMINED BY DATA RECORDED BY OTHERS. CONTRACTOR SHALL VERIFY THAT NECESSARY CROSSING CLEARANCES BETWEEN EXISTING AND PROPOSED UTILITIES EXIST PRIOR TO CONSTRUCTION OF ANY SUCH CONSTRUCTION. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL SUCH EXISTING UTILITIES AND INTERFERE WITH ANY PROJECT CONTRACTOR TO VERIFY SIZE AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL MANHOLES, CLEANOUTS, VALVE BOXES, FIRE HYDRANTS, ETC., THEY MUST BE ADJUSTED TO PROPER LINE AND GRADE. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LINE AND GRADE OF PERMANENT PAVEMENT AND GRADING. UTILITIES MUST BE MAINTAINED TO PROPER LINE AND GRADE DURING THE CONSTRUCTION OF THE PAVING FOR THIS DEVELOPMENT.
5. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, BONDS AND THREE-WAY CONTRACTS SHALL BE SUBMITTED TO THE CITY.
6. THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS REGARDING TRENCHE SAFETY.
7. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS, RELATIONS TO ADJACENT PLANS FOR DETAILED BUILDING ENTRANCE LAYOUTS, RAMPS, LANDSCAPE, AND SIDEWALKS.
8. ALL DUMPSTER ENCLOSURES TO BE A MINIMUM OF 14'X25' WITH A CLEAR BACKING OF AT LEAST 40'. ENCLOSURE TO BE 8" MASONRY WITH MATERIAL TO MATCH PRIMARY STRUCTURE.
9. REFER TO ARCHITECTURAL PLANS FOR DUMPSTER TO MATCH MATERIALS.
10. ALL FIRE HYDRANTS ARE LOCATED AT INTERSECTIONS AND SPACED PER CITY REQUIREMENTS.
11. ALL STD. PARKING SPACES TO BE 9'X18' WITH 2' OVERHANG. ALL PARALLEL SPACES TO BE 8'X22'.
12. ALL STRIPING IN PARKING LOTS TO BE WHITE.
13. ALL STRIPING SHALL BE WHITE UNLESS OTHERWISE NOTED OR CONSTRUCTED OF CONTRASTING COLORS FROM THE STANDARD PAVEMENT BUT SHALL NOT BE IN COLORS THAT ARE CONSIDERED BRIGHT, NEON, OR GARISH.
14. TRUNCATED DOME PADS REQUIRED WHERE THE SIDEWALK MEETS THE DRIVEWAY.
15. RETAINING WALLS WILL REQUIRE A SEPARATE PERMIT FOR APPROVAL.
16. IRRIGATION PLANS WILL REQUIRE A SEPARATE PERMIT FOR APPROVAL.
17. RETAINING WALL AROUND POND MUST HAVE A MINIMUM OF 48" OF ORNAMENTAL FENCE. REFER TO STRUCTURAL PLANS FOR MORE DETAILS.
18. LOT LOCATED ON THE QUASI-PUBLIC STREET MUST ORIENT BUILDINGS TO THE QUASI-PUBLIC STREET.

SITE DATA SUMMARY TABLE					
EXISTING ZONING:		PD 1024-2022			
USE:		MULTI-FAMILY RESIDENTIAL			
PARENT TRACT AREA:		ACRES		SQUARE FT	
TOTALS		13.20		575,055	
SWBC TRACT				AREA (SF)	
<u>PROPOSED BUILDINGS</u>		NO.	PER BLDG	UNIT TOTAL	PER FLR TOTAL
TYPE A (3-STORY)		5	36	180	12,597 188,955
TYPE B (3-STORY)		2	30	60	12,076 72,456
TYPE C (3-STORY)		3	24	72	8,601 77,409
CLUBHOUSE		1	-	0	3,097 3,097
TOTALS		11		312	341,917
BUILDING HEIGHT		MAXIMUM: 45' / PROPOSED: 45'			
LOT COVERAGE		20.2%			
DENSITY		23.6 UNITS / ACRE			
		PER UNIT	PER VISITOR		
PARKING RATIO REQUIRED		2.00	0.25 702		
PARKING RATIO PROPOSED		1.75	0.25 624		
PARKING PROVIDED					
STANDARD SPACES					299
HANDICAP SPACES					13
COVERED SPACES					312
TOTALS					624
LANDSCAPE REQUIRED (SF)		4,992	8 SF PER PARKING SPACE		
LANDSCAPE PROVIDED (SF)		172,189	EXCLUDING LS BUFFER		
IMPERVIOUS AREA		376,003	SF		
OPEN SPACE REQUIRED		UNITS	SF PER UNIT		TOTAL
1 BEDROOM		198	600		118,800
2 BEDROOM		114	900		102,600
					221,400
OPEN SPACE PROPOSED		AREA	RATIO		
POOL, EVENT & OPEN AREAS		122,640	3		367,920
TOTAL					367,920

WATER METER SCHEDULE		
I.D.	TYPE	SIZE
1	DOMESTIC	2"
2	DOMESTIC	2"
3	DOMESTIC	2"
4	DOMESTIC	2"
5	DOMESTIC	2"
6	DOMESTIC	1"
7	DOMESTIC	2"
8	DOMESTIC	2"
9	DOMESTIC	2"
10	DOMESTIC	2"
11	DOMESTIC	2"

OWNER/DEVELOPER:
HighPark Capital, LLC
 4514 Travis Street, Ste 211
 Dallas, Texas 75205
 Tel. No. (214) 380-5404
 Contact: Ryan Spring

SITE PLAN
GATEWAY AT BUDDY HAYES
BLOCK A , LOT 2R
13.201 ACRES / 575,055 SF
ABS 782 THOMAS RATTON SURVEY
CITY OF ANNA,
COLLIN COUNTY, TEXAS
June 2023

PRELIMINARY

FOR REVIEW ONLY
NOT FOR CONSTRUCTION
LINCOLN CONSULTING & ENGINEERING

Engineer ERIC M. SEELEY
P.E. No. 107718 Date 7/8/2022
Firm No. 21223

SOUTHGATE MULTI-FAMILY

**13.201 ACRES
LOT 2, BLOCK A**

GATEWAY AT BUDDY HAYES
CITY OF ANNA CO. IN COUNTY TEXAS

SITE PLAN

Scale: 1" = 40'

Designed by: AA
Drawn by: AV

Checked by: EMS

Date: June 28, 2023

SP.1

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: GATEWAY AT BUDDY HAYES Total Number of Acres: 14
Zoning Classification(s): PD Total Number of Lots: 1
Location: APPROX. 1800' SOUTH OF WHITE STREET, WEST OF BUDDY HAYES BOULEVARD

Property Owner Information & Authorization

Name/Company: JEFF WILLIAMS / ANNA SOUTHGATE, LLC
Address: 4514 TRAVIS ST #211
City: DALLAS State: TX Zip Code: 75205
Phone: (214) 380-5404 Email: JWILLIAMS@HPCAPITAL.COM

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate ERIC SEELEY / LINCOLN C&E, INC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

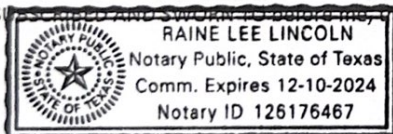
Property Owner's Signature: [Signature] Date: 6/7/23

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Jeff Williams (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

Subscribed and sworn to before me, this 7th day of June, 2023



Raine Lee Lincoln
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: ERIC M. SEELEY, P.E.

Company: LINCOLN CONSULTING & ENGINEERING, INC

Address: P.O. BOX 1176

City: WYLIE State: TX Zip Code: 75098

Phone: (214) 673-8869 Email: ERIC@LINCOLNCE.COM

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 16.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Gateway at Buddy Hayes, Block C, Lot 1R, Replat.
Applicant: Josh Eadie / NexMetro Hayes, LP.

SUMMARY:

Multiple-family residences on one lot on 20.7± acres located on the east side of Buddy Hayes Boulevard, 1,220± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

The purpose for the Replat is to dedicate easements and lot and block boundaries necessary for the creation of a multiple-family residential development.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

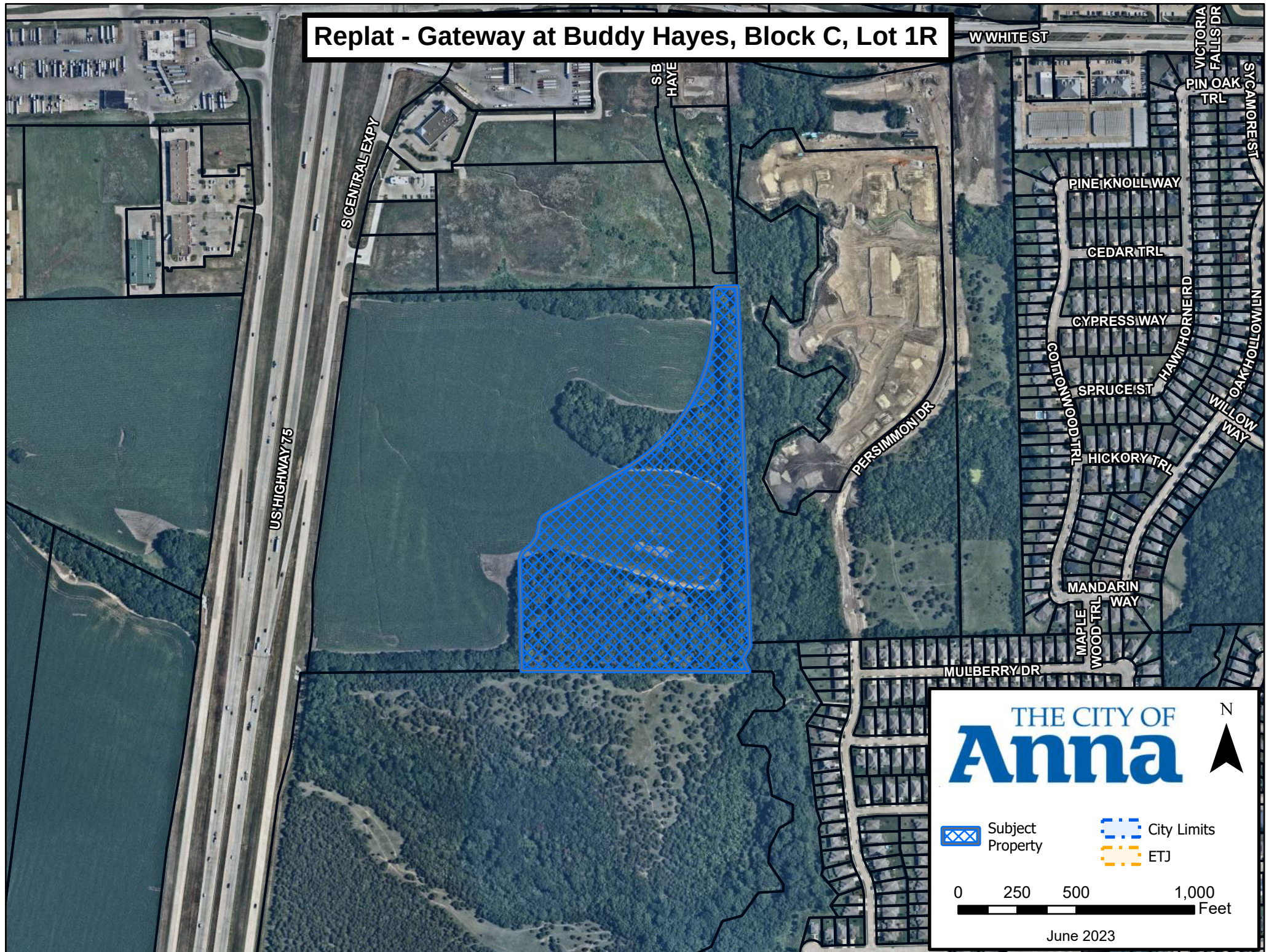
STAFF RECOMMENDATIONS:

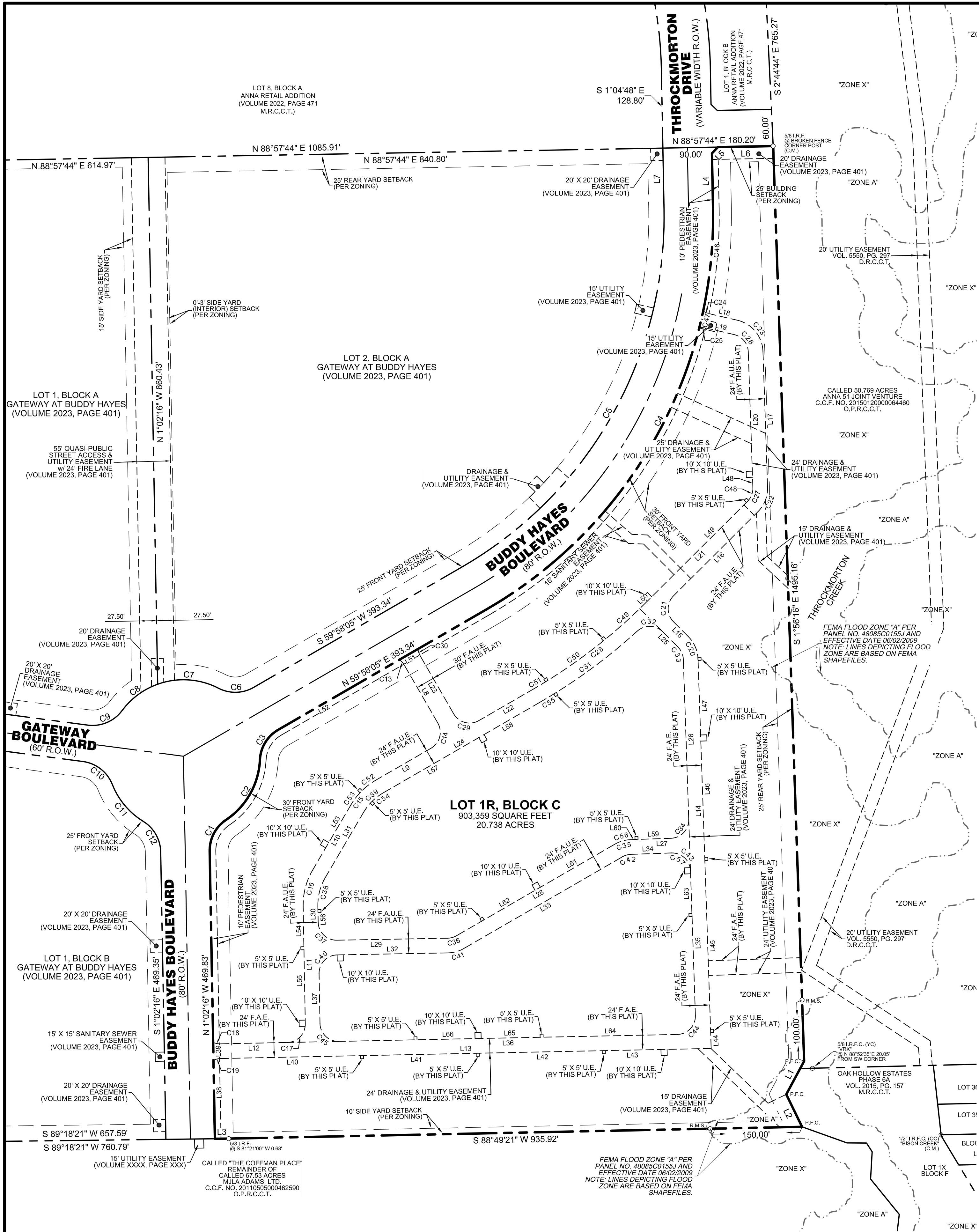
The Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Gateway at Buddy Hayes, Block C, Lot 1R Replat Locator Map
2. Exhibit A - (RP) Gateway at Buddy Hayes, Block C, Lot 1R
3. P&Z Application

Replat - Gateway at Buddy Hayes, Block C, Lot 1R





- NOTES**
- 1) Selling a portion of this addition by metes and bounds is a violation of city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
 - 2) Quasi-Public Street Definition: Quasi-public streets are privately owned and maintained drives open to public access. A quasi-public street easement shall be dedicated for all quasi-public streets, and a fire lane shall be located within all quasi-public street easements. On-street parking and sidewalks provided along quasi-public streets shall be located within the quasi-public street easement. Lots may derive required street frontage from quasi-public streets and may be platted to the centerline of the quasi-public streets.
 - 3) The reason for this Replat is to dedicate easements for development.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S28° 16' 39"W	61.64'
L2	S25° 56' 04"E	58.94'
L3	S89° 18' 21"W	23.20'
L4	N01° 04' 48"W	89.94'
L5	N43° 56' 14"E	14.14'
L6	N88° 57' 44"E	90.20'
L7	S01° 04' 48"E	100.00'
L8	S30° 01' 55"E	109.00'
L9	S59° 58' 05"W	104.55'
L10	S30° 24' 10"W	123.63'
L11	S01° 02' 16"E	192.13'
L12	S88° 49' 21"W	109.00'
L13	N88° 49' 21"E	801.17'
L14	N01° 56' 16"W	636.50'
L15	N44° 53' 06"W	34.48'
L16	N45° 06' 54"E	194.31'
L17	N01° 56' 16"W	222.12'
L18	N76° 55' 53"W	46.85'
L19	S76° 55' 53"E	46.85'
L20	S01° 56' 16"E	222.12'

LINE TABLE		
LINE	DIRECTION	LENGTH
L21	S45° 06' 54"W	236.31'
L22	S59° 58' 05"W	102.21'
L23	N30° 01' 55"W	109.00'
L24	N59° 58' 05"E	296.75'
L25	S44° 53' 06"E	35.41'
L26	S01° 56' 16"E	261.26'
L27	S88° 03' 44"W	66.21'
L28	S59° 58' 05"W	299.08'
L29	S88° 57' 44"W	181.01'
L30	N01° 02' 16"W	26.63'
L31	N30° 24' 10"E	123.63'
L32	N88° 57' 44"E	181.01'
L33	N59° 58' 05"E	299.08'
L34	N88° 03' 44"E	66.21'
L35	S01° 56' 16"E	236.52'
L36	S88° 49' 21"W	553.24'
L37	N01° 02' 16"W	81.30'
L38	N01° 02' 16"W	128.33'
L39	N01° 02' 16"W	29.01'
L40	N88° 49' 21"E	228.25'

LINE TABLE		
LINE	DIRECTION	LENGTH
L41	N88° 49' 21"E	184.00'
L42	N88° 49' 21"E	200.92'
L43	N88° 49' 21"E	90.96'
L44	N01° 56' 16"W	26.18'
L45	N01° 56' 16"W	275.98'
L46	S01° 56' 16"E	190.10'
L47	S01° 56' 16"E	121.74'
L48	S01° 56' 16"E	17.14'
L49	S45° 06' 56"W	218.21'
L50	S45° 02' 13"W	5.60'
L51	N59° 58' 05"E	35.01'
L52	N59° 58' 05"E	228.62'
L53	S30° 24' 42"W	71.34'
L54	S01° 02' 16"E	66.23'
L55	S01° 02' 16"E	114.90'
L56	N01° 02' 16"W	15.54'
L57	N59° 58' 05"E	180.50'
L58	N59° 58' 05"E	106.25'
L59	S88° 03' 44"W	53.86'
L60	S88° 03' 44"W	7.34'

LINE TABLE		
LINE	DIRECTION	LENGTH
L61	S59° 58' 05"W	140.83'
L62	S59° 58' 05"W	96.25'
L63	S01° 56' 16"E	64.97'
L64	S88° 49' 21"W	219.28'
L65	S88° 49' 21"W	96.29'
L66	S88° 49' 21"W	94.75'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	57° 16' 46"	60.00'	59.98'	N27° 36' 07"E	57.52'
C2	53° 33' 12"	125.00'	116.84'	N29° 27' 55"E	112.63'
C3	57° 16' 46"	60.00'	59.98'	N31° 19' 42"E	57.52'
C4	61° 02' 53"	740.00'	788.46'	N29° 28' 39"E	751.69'
C5	61° 02' 53"	660.00'	703.22'	S29° 26' 39"W	670.43'
C6	57° 16' 46"	60.00'	59.98'	S88° 36' 28"W	57.52'
C7	46° 56' 54"	125.00'	102.43'	N86° 13' 36"W	99.58'
C8	33° 40' 09"	125.00'	73.45'	S53° 27' 53"W	72.40'
C9	60° 53' 24"	60.00'	63.76'	S67° 04' 30"W	60.81'
C10	60° 53' 24"	60.00'	63.76'	S52° 02' 05"E	60.81'
C11	36° 43' 39"	125.00'	80.13'	S39° 57' 13"E	78.76'
C12	57° 16' 46"	60.00'	59.98'	S29° 40' 39"E	57.52'
C13	23° 34' 41"	30.00'	12.35'	S41° 49' 16"E	12.26'
C14	90° 00' 00"	30.00'	47.12'	S14° 58' 05"W	42.43'
C15	29° 33' 55"	112.00'	57.79'	S45° 11' 08"W	57.15'
C16	31° 26' 26"	112.00'	61.46'	S14° 40' 57"W	60.69'
C17	89° 51' 37"	30.00'	47.05'	S43° 53' 32"W	42.37'
C18	23° 42' 36"	30.00'	12.41'	N79° 18' 53"W	12.33'
C19	23° 26' 47"	30.00'	12.28'	N77° 06' 26"E	12.19'
C20	42° 56' 50"	54.00'	40.48'	N23° 24' 41"W	39.54'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C21	90° 00' 00"	30.00'	47.12'	N00° 06' 54"E	42.43'
C22	47° 03' 09"	54.00'	44.35'	N21° 35' 19"E	43.11'
C23	74° 59' 37"	54.00'	70.68'	N39° 26' 04"W	65.74'
C24	21° 25' 42"	30.00'	11.22'	N66° 13' 02"W	11.15'
C25	21° 25' 42"	30.00'	11.22'	S87° 38' 44"E	11.15'
C26	74° 59' 37"	30.00'	39.27'	S39° 26' 04"E	36.52'
C27	47° 03' 09"	30.00'	24.64'	S21° 35' 19"W	23.95'
C28	14° 51' 12"	891.00'	230.98'	S52° 32' 29"W	230.33'
C29	90° 00' 00"	30.00'	47.12'	N75° 01' 55"W	42.43'
C30	23° 34' 41"	30.00'	12.35'	N18° 14' 34"W	12.26'
C31	12° 18' 21"	915.00'	196.52'	N53° 48' 54"E	196.14'
C32	87° 27' 10"	30.00'	45.79'	S88° 36' 41"E	41.47'
C33	42° 56' 50"	30.00'	22.49'	S23° 24' 41"E	21.96'
C34	90° 00' 00"	30.00'	47.12'	S43° 03' 44"W	42.43'
C35	28° 05' 39"	54.00'	26.48'	S74° 00' 55"W	26.21'
C36	28° 59' 39"	30.00'	15.18'	S74° 27' 55"W	15.02'
C37	90° 00' 00"	30.00'	47.12'	N46° 02' 16"W	42.43'
C38	31° 26' 26"	88.00'	48.29'	N14° 40' 57"E	47.69'
C39	29° 33' 55"	88.00'	45.41'	N45° 11' 08"E	44.91'
C40	90° 00' 00"	30.00'	47.12'	N43° 57' 44"E	42.43'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C41	28° 59' 39"	54.00'	27.33'	N74° 27' 55"E	27.04'
C42	28° 05' 39"	30.00'	14.71'	N74° 00' 55"E	14.56'
C43	90° 00' 00"	30.00'	47.12'	S46° 56' 16"E	42.43'
C44	90° 45' 37"	30.00'	47.52'	S43° 26' 32"W	42.71'
C45	90° 08' 23"	30.00'	47.20'	N46° 06' 28"W	42.48'
C46	13° 03' 32"	740.00'	168.66'	S05° 26' 58"W	168.30'
C47	2° 10' 46"	740.00'	28.15'	S13° 04' 07"W	28.15'
C48	42° 16' 21"	30.00'	22.13'	S19° 11' 55"W	21.64'
C49	5° 33' 39"	891.00'	86.48'	S47° 53' 43"W	86.44'
C50	7° 07' 28"	891.00'	110.79'	S54° 33' 34"W	110.72'
C51	1° 31' 30"	891.00'	23.71'	S59° 12' 20"W	23.71'
C52	14° 17' 08"	112.00'	27.92'	S52° 49' 31"W	27.85'
C53	12° 43' 20"	112.03'	24.88'	S36° 45' 50"W	24.82'
C54	14° 23' 01"	88.00'	22.09'	N52° 46' 34"E	22.03'
C55	1° 35' 50"	915.00'	25.51'	N59° 10' 10"E	25.51'
C56	28° 05' 39"	54.00'	26.48'	S74° 00' 55"W	26.21'
C57	80° 24' 21"	30.00'	42.10'	S51° 44' 05"E	38.73'

EXHIBIT A

Sheet 1 of 2

REPLAT
LOT 1R, BLOCK C
GATEWAY AT BUDDY HAYES
20.738 ACRES / 903,359 SQUARE FEET
OUT OF
THOMAS RATTAN SURVEY, ABSTRACT NO. 782
CITY OF ANNA, COLLIN COUNTY, TEXAS

DATE	REVISION DESCRIPTION

PROJECT INFORMATION
Date of Survey: 07/07/2022
Date of Drawing: 06/28/2023
Job Number: 2220805
Drawn By: J.L.L.
File: 2220805 Avilla Hayes-Replat.Dwg
SHEET 1 OF 2

OWNER/DEVELOPER:
NexMetro Hayes, LP
2221 Lakeside Boulevard
Suite 1210
Richardson, Texas 75082
Contact: Josh Eadie
(469) 851-7374

ENGINEER:
LINCOLN CONSULTING & ENGINEERING
P.O. Box 1176
Wylie, TX 75098
Contact: Joshua Lincoln
Josh@lincollnco.com
(214) 708-5010

**903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.com
TBLPS Firm No. 10139600**

OWNER'S CERTIFICATE

WHEREAS NexMetro Hayes, LP, a Texas limited partnrership, is the owner of a parcel of land situated in the City of Anna, Collin County, Texas, out of the Thomas Rattan Survey, Abstract No. 782, and being Lot 1, Block C, of Gateway at Buddy Hayes Lots 1 & 2, Block A, Lot 1, Block B, and Lot 1, Block C according to the plat filed for record in Volume 2023, Page 401, Map Records, Collin County, Texas.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT NexMetro Hayes, LP, a Texas limited partnership, acting herein by and through it's duly authorized officer(s), does hereby adopt this replat designating the herein above described property as **LOT 1R, BLOCK C, GATEWAY AT BUDDY HAYES**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This plat is hereby adopted by the Owners and approved by the City of Anna (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Block A, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenances work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Anna, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

BY: NexMetro Hayes, LP

(Authorized Signature) Date

(Printed Name)

(Title)

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared _____, (Title)_____ for **NexMetro Hayes, LP**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed as the act and deed of said **NexMetro Hayes, LP, a Texas limited partnership**, as in the capacity therein stated.

Given under my hand and seal of office this the ____ day of _____, 2023.

Notary Public in and for the State of Texas

Printed Name of Notary

My Commission Expires: _____

SURVEYOR'S CERTIFICATE

THAT I, **Douglas S. Loomis**, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Anna, Texas.

PRELIMINARY

THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE
AND IS NOT TO BE RELIED UPON AS
A FINAL SURVEY DOCUMENT

Douglas S. Loomis
Registered Professional Land Surveyor No. 5199

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared **Douglas S. Loomis**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2023.

NOTARY PUBLIC, STATE OF TEXAS

CERTIFICATE OF APPROVAL

Approved On this the ____ day of _____, 2023 by the City Council, City of Anna, Texas.

Mayor

City Secretary

EXHIBIT A
Sheet 2 of 2

REPLAT
LOT 1R, BLOCK C
GATEWAY AT BUDDY HAYES
20.738 ACRES / 903,359 SQUARE FEET
OUT OF
THOMAS RATTAN SURVEY, ABSTRACT NO. 782
CITY OF ANNA, COLLIN COUNTY, TEXAS

OWNER/DEVELOPER:

NexMetro Hayes, LP
2221 Lakeside Boulevard
Suite 1210
Richardson, Texas 75082
Contact: Josh Eadie
(469) 851-7374

ENGINEER:

LINCOLN CONSULTING &
ENGINEERING
P.O. Box 1176
Wylie, TX 75098
Contact: Joshua Lincoln
Josh@lncolnce.com
(214) 708-5010

PROJECT INFORMATION

Date of Survey: 07/07/2022
Date of Drawing: 06/28/2023
Job Number: 2220805
Drawn By: J.L.L.
File: 2220805 Avilla Hayes-Replat.Dwg
SHEET 2 OF 2



903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com
TBPLS Firm No. 10139600

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: GATEWAY AT BUDDY HAYES Total Number of Acres: 21
Zoning Classification(s): PD Total Number of Lots: 1
Location: APPROX. 1800' SOUTH OF WHITE STREET, EAST OF BUDDY HAYES BOULEVARD

Property Owner Information & Authorization

Name/Company: JOSH EADIE / NEXMETRO HAYES, LP
Address: 2221 LAKESIDE BLVD #1210
City: RICHARDSON State: TX Zip Code: 75082
Phone: (434) 851-7374 Email: JOSH.EADIE@NEXMETRO.COM

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate ERIC SEELEY / LINCOLN C&E, INC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

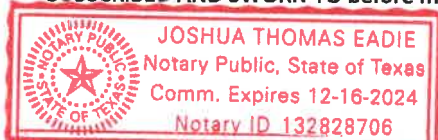
Property Owner's Signature: [Signature] Date: 6 June 2023

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Steven W. Fritzer (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6th day of June, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: ERIC M. SEELEY, P.E.
Company: LINCOLN CONSULTING & ENGINEERING, INC
Address: P.O. BOX 1176
City: WYLIE State: TX Zip Code: 75098
Phone: (214) 673-8869 Email: ERIC@LINCOLNCE.COM

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 17.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Gateway at Buddy Hayes, Block C, Lot 1R, Site Plan.
Applicant: Josh Eadie / NexMetro Hayes, LP.

SUMMARY:

Multiple-family residences on one lot on 20.7± acres located on the east side of Buddy Hayes Boulevard, 1,200± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

The purpose of the Site Plan is to show the proposed multiple-family residential development site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

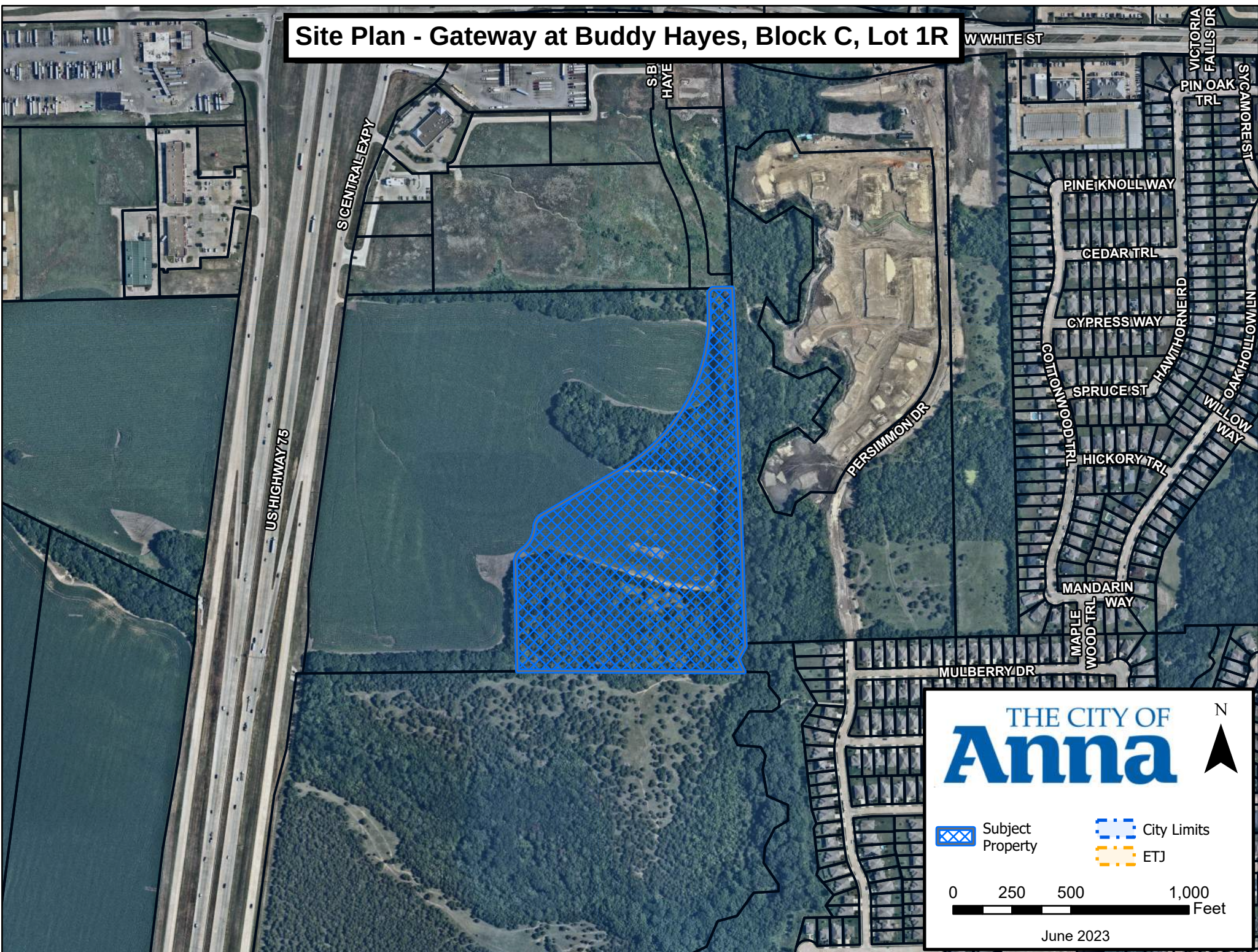
STAFF RECOMMENDATIONS:

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Gateway at Buddy Hayes, Block C, Lot 1R Site Plan Locator Map
2. Exhibit A - (SP) Gateway at Buddy Hayes, Block C, Lot 1R
3. P&Z Application

Site Plan - Gateway at Buddy Hayes, Block C, Lot 1R



THE CITY OF
Anna

N

Subject Property

City Limits

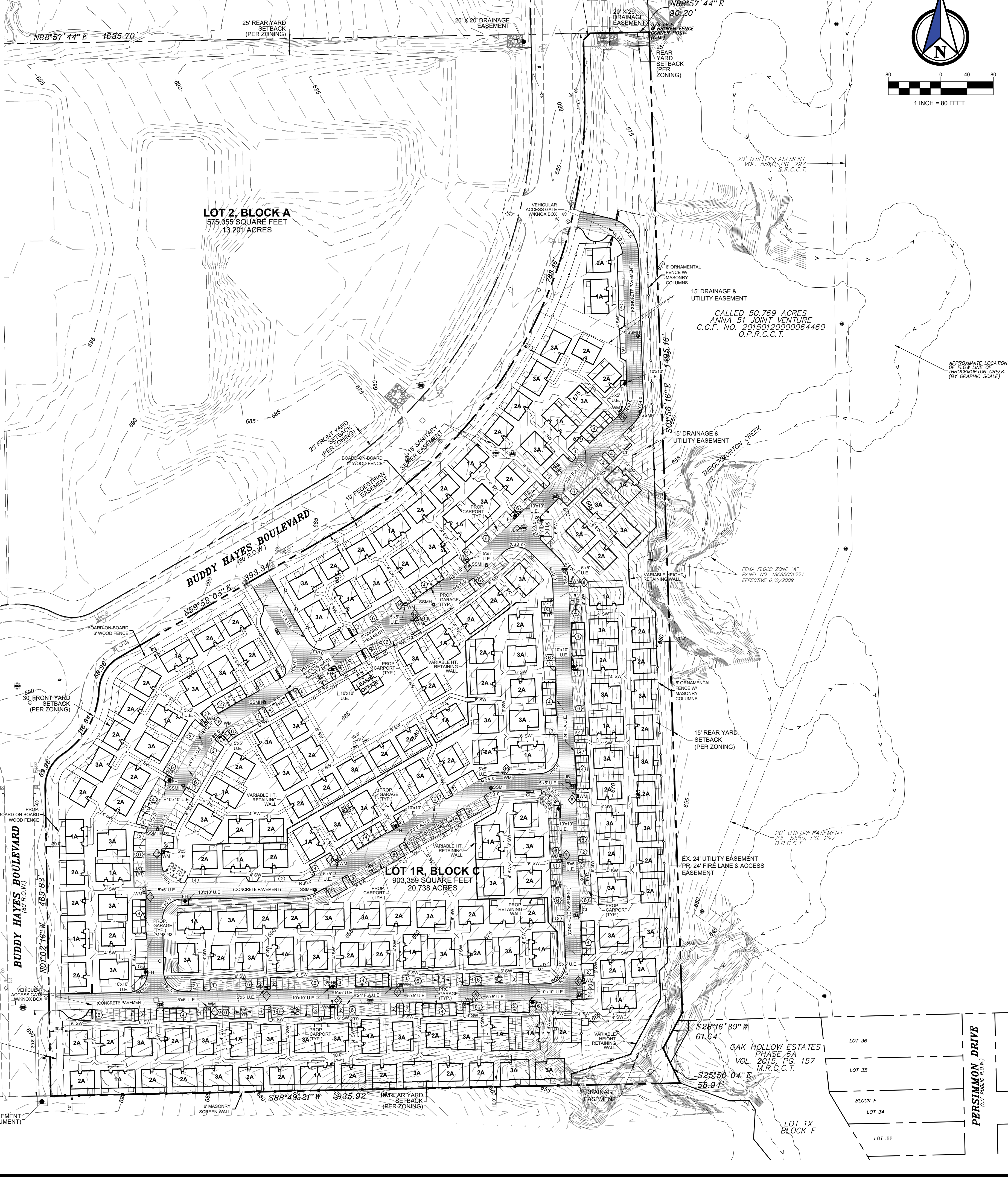
ETJ

0 250 500 1,000 Feet

June 2023

FILE: C:\Users\eric@lincoln\Documents\Lincoln - Projects\15-006_AnnArilla Waters Creek_AugCAD\15-006_014 SITE PLAN.dwg
USER: eric@lincoln DATE: 08/28/2023 10:30pm

SITE DATA SUMMARY TABLE						
ZONING:		PD 1024-2022				
USE:		MULTI-FAMILY RESIDENTIAL				
PARENT TRACT AREA:		ACRES		SQUARE FT		
		COMMERCIAL - TRACT 1		903,359		
NEXMETRO TRACT		UNITS		AREA (SF)		
PROPOSED BUILDINGS		NO.	PER BLDG	TOTAL	PER UNIT	TOTAL
TYPE 1 (1BR DUPLEX)		33	2	66	690	45,540
TYPE 2 (2BR)		82	1	82	980	80,360
TYPE 3 (3BR)		63	1	63	1265	79,695
GARAGE W/STORAGE		12	-	-	1130	13,560
LEASE OFFICE		1	-	-	1200	1,200
TOTALS		191	-	211	-	220,355
BUILDING HEIGHT		MAXIMUM: 45' / PROPOSED: 30'				
LOT COVERAGE		25.2%				
DENSITY		10.5 UNITS / ACRE				
PARKING RATIO REQUIRED		PER UNIT	PER VISITOR			475
PARKING RATIO PROPOSED		2.00	0.25			422
PARKING PROVIDED		2.00	0			
STANDARD SPACES						189
HANDICAP SPACES						9
COVERED SPACES						180
DETACHED GARAGE SPACES						46
TOTAL						424
LANDSCAPE REQUIRED (SF)		3,392	8 SF PER PARKING SPACE			
LANDSCAPE PROVIDED (SF)		391,781	EXCLUDING LS BUFFER			
IMPERVIOUS AREA		449,490	SF			
OPEN SPACE REQUIRED		UNITS	SF PER UNIT			TOTAL
1 BEDROOM		66	600			39,600
2 BEDROOM		82	900			73,800
3 BEDROOM		63	1,200			75,600
						189,000
OPEN SPACE PROPOSED		AREA	RATIO			
AMENITY AREAS		28,411	3			85,233
UNIT BACKYARDS		77,000	1			77,000
OPEN AREAS		49,842	1			49,842
POOL		3,042	3			9,126
TOTAL						221,201



Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: GATEWAY AT BUDDY HAYES Total Number of Acres: 21
Zoning Classification(s): PD Total Number of Lots: 1
Location: APPROX. 1800' SOUTH OF WHITE STREET, EAST OF BUDDY HAYES BOULEVARD

Property Owner Information & Authorization

Name/Company: JOSH EADIE / NEXMETRO HAYES, LP
Address: 2221 LAKESIDE BLVD #1210
City: RICHARDSON State: TX Zip Code: 75082
Phone: (434) 851-7374 Email: JOSH.EADIE@NEXMETRO.COM

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate ERIC SEELEY / LINCOLN C&E, INC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

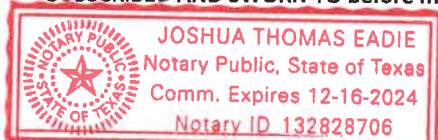
Property Owner's Signature: [Signature] Date: 6 June 2023

STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Steven W. Fritzer (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6th day of June, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____
Name: ERIC M. SEELEY, P.E.
Company: LINCOLN CONSULTING & ENGINEERING, INC
Address: P.O. BOX 1176
City: WYLIE State: TX Zip Code: 75098
Phone: (214) 673-8869 Email: ERIC@LINCOLNCE.COM

Planning & Development Department

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Item No. 18.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Lorenzo Dow Hendricks Elementary Addition, Block A, Lot 1, Final Plat. Applicant: Anacapri Laguna Azure, LLC and Bloomfield Homes, LP.

SUMMARY:

Vacant lot on 14.4± acres located at the northwest corner of Hackberry Drive and N. Ferguson Parkway. Zoned: Planned Development (Ord. No. 839-2019 & Ord. No. 887-2020).

The purpose for the Final Plat is to dedicate rights-of-way and lot and block boundaries for future development.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Final Plat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

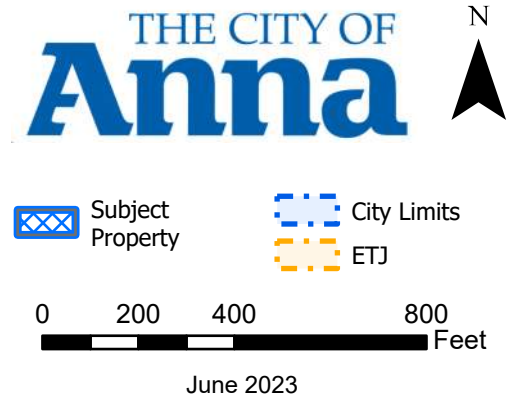
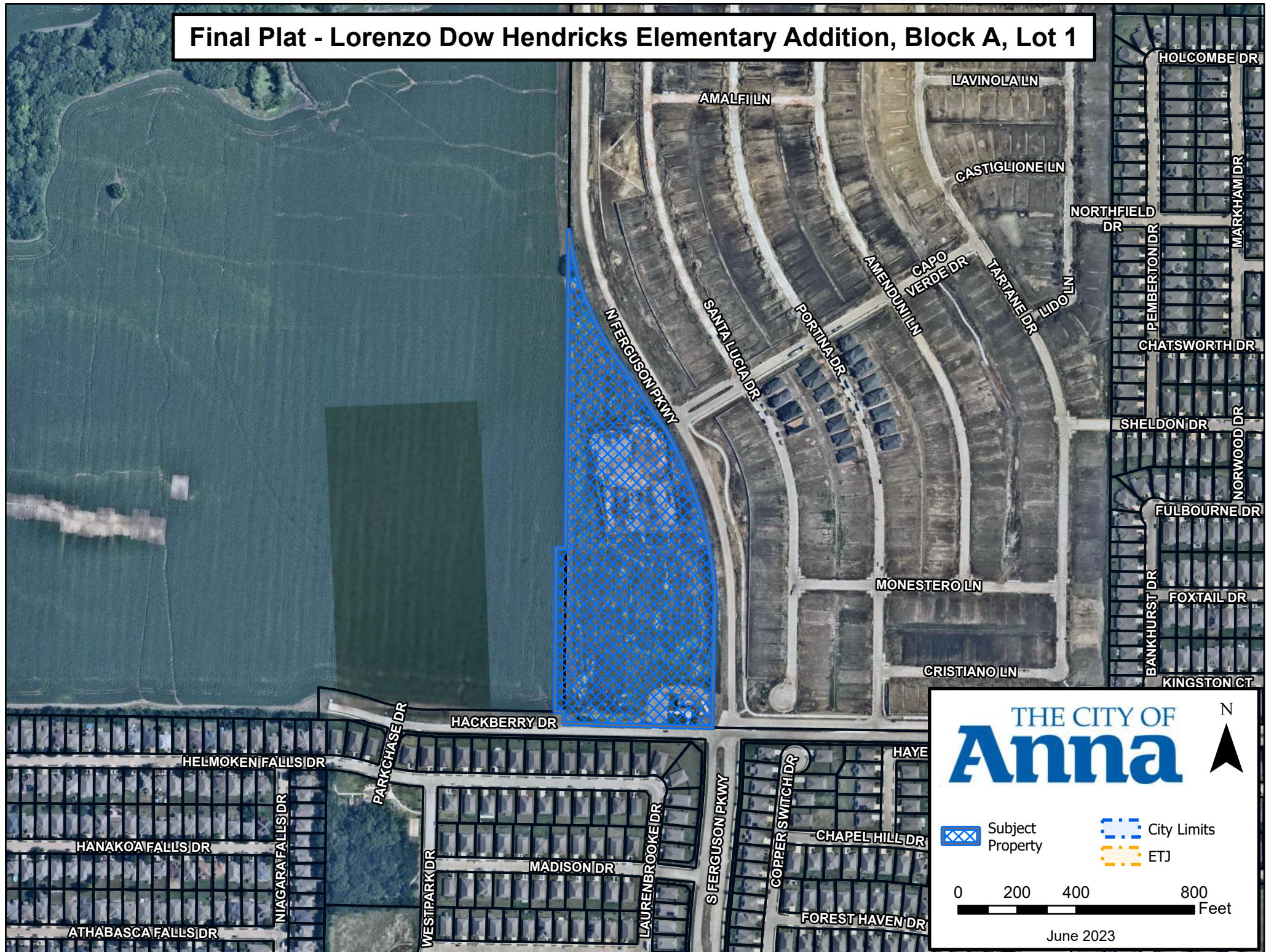
STRATEGIC CONNECTIONS:

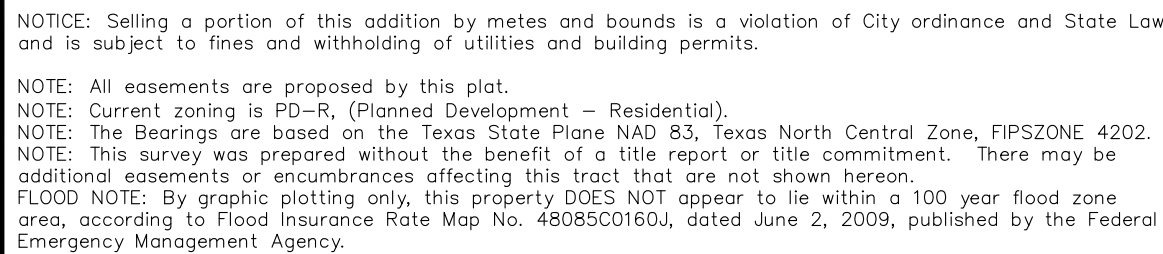
This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Lorenzo Dow Hendricks Elementary Addition, Block A, Lot 1 Locator Map
2. Exhibit A (FP) Lorenzo Dow Hendricks Elementary Addn, Block A, Lot 1
3. Megatel Application
4. Bloomfield Application2

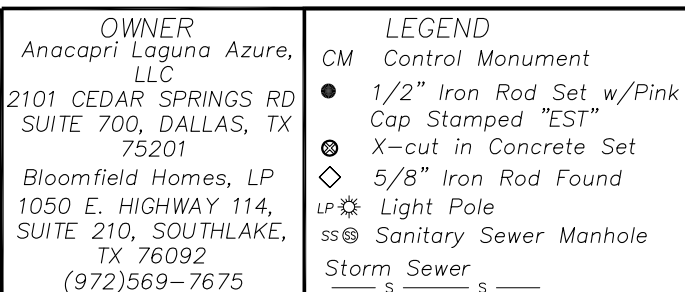
Final Plat - Lorenzo Dow Hendricks Elementary Addition, Block A, Lot 1





of land, more or less.

City Secretary



14.54 ACRES
PUBLIC SCHOOL LOT

OWNER Anacapi Laguna Azure, LLC 2101 CEDAR SPRINGS RD SUITE 700, DALLAS, TX 75201 Blossom Field Homes, LP 1050 E. HIGHWAY 114 SUITE 210, SOUTHLAKE, TX 76082 (972)569-7675	LEGEND CM Control Monument ● 1/2" iron Rod Set, w/Pink Cap Stamped "EST" ● X-cut in Concrete Set ● 5/8" iron Rod Found v Light Pole ss Sanitary Sewer Manhole Storm Sewer	 101 Bill Bradford Road, Suite 13 Solapur Springs, Texas 75482 Phone: (972) 438-2400 Fax: (972) 438-4955 Firm License No. 10024400 www.crestinc.com	FINAL PLAT SHEET 1 OF 1	SCALE: 1"=100' DATE: 05/26/2023 DRAWN BY: Q.H. SURVEYED BY: M.H. TECHNICIAN: S.H. JOB NO. 22-02462 R-1
REVISIONS: S/26, 2/3 Revise Boundary				

EXHIBIT A

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Lorenzo Dow Hendricks Elementary Lot 1.5 Total Number of Acres: 11.62
Zoning Classification(s): PD Total Number of Lots: 1
Location: NW corner of Ferguson and Hackberry

Property Owner Information & Authorization

Name/Company: Zach Ipour
Address: 2101 Cedar Springs Rd. Ste 700
City: Dallas Tx State: TX Zip Code: 75201
Phone: 972-922-3092 Email: Steve.magliscau@negatelhomes.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate RLK Engineering, Inc - Seth Kelly PE (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature] Date: 6-21-2023

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Zach Ipour (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

TISHA TRIBBLE
Notary Public, State of Texas
Comm. Expires 04-23-2028
Notary ID 131540082

SUBSCRIBED AND SWORN TO before me, this the 21 day of June, 2023

[Signature]

NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Seth Kelly, PE

Company: RLK Engineering, Inc

Address: 111 W Main

City: Allen State: TX Zip Code: 75013

Phone: 972-359-1733 Email: seth@rlkengineering.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Lorenzo Dow Hendricks Elementary Lot 1.1 Total Number of Acres: 11.62
Zoning Classification(s): PD Total Number of Lots: 1
Location: NW corner of Ferguson and Hackberry

Property Owner Information & Authorization

Name/Company: Bloomfield Homes, LP
Address: 1050 E. Hwy 114, ste 210
City: Southlake State: TX Zip Code: 76092
Phone: 972-422-1658 Email: SR. Douglas@yahoo.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate RLK Engineering, Inc - Seth Kelly PE (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature] Date: 6-6-23

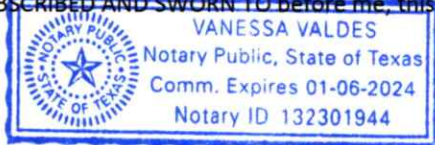
STATE OF: Texas

COUNTY OF: Tarrant

Clint Vincent
Attorney In Fact
Bloomfield Properties, INC.
General Partner

BEFORE ME, a Notary Public, on this day personally appeared _____
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 6th day of June, 20 23



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Seth Kelly, PE

Company: RLK Engineering, Inc

Address: 111 W Main

City: Allen State: TX Zip Code: 75013

Phone: 972-359-1733 Email: seth@rlkengineering.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 19.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the One Anna Two Addition, Block A, Lots 4R & 5, Preliminary Replat. Applicant: North Texas HOCO, LLC.

SUMMARY:

Hotel on Lot 4R and vacant lot on 12.0± acres located on the east side of Standridge Boulevard, 1,040± feet north of Suzie Lane. Zoned: Planned Development (Ord. No. 765-2018, Ord. No. 846-2020, & Ord. No. 1021-2022).

The purpose of the Preliminary Replat is to propose easements and lot and block boundaries necessary for the future construction of the hotel development.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Preliminary Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

STRATEGIC CONNECTIONS:

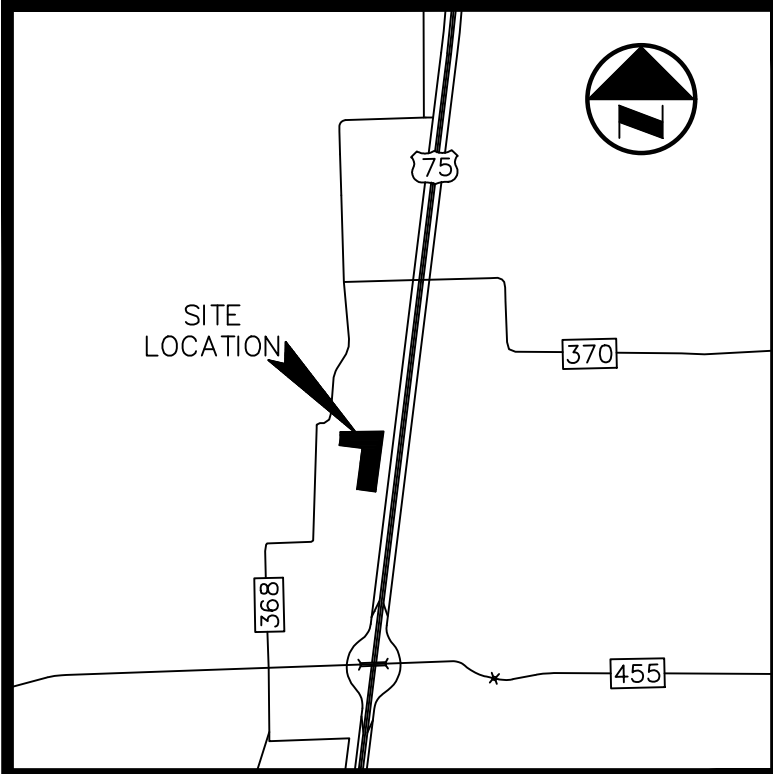
This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Locator Map - One Anna Two Addition, Block A, Lots 4R & 5
2. EXHIBIT A - PR (One Anna Two Addition, Block A, Lots 4R & 5)
3. P&Z Application

Preliminary Replat - One Anna Two Addition, Block A, Lots 4R & 5





LOCATION MAP
NTS

SCALE: 1" = 60'

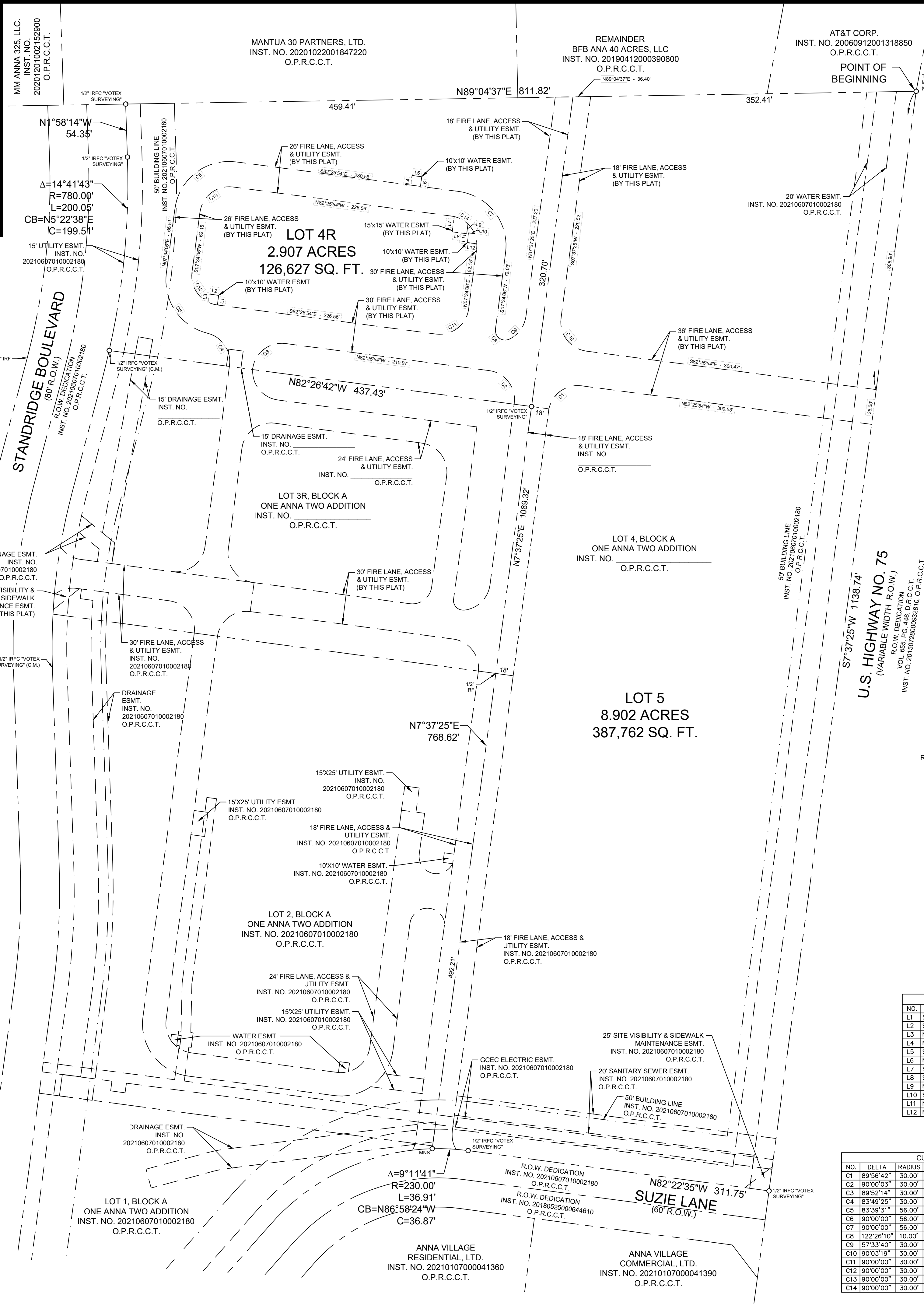
EXHIBIT A

NOTES:

- The basis of bearings for this survey is the State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.
- The purpose of this plat is to subdivide Lot 4 into two lots (Lots 4R & 5).
- Notice: Selling a portion of this addition by metes and bounds is a violation of the City Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.

LEGEND

(C.M.)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.C.C.T.	DEED RECORDS, COLLIN COUNTY, TEXAS
M.R.C.C.T.	MAP RECORDS, COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
ESMT.	EASEMENT
IRF	IRON ROD FOUND
IRSC	1/2" IRON ROD WITH YELLOW PLASTIC CAP
MNS	STAMPED "VOTEX SURVEYING" SET
	MAG NAIL, W/WASHER STAMPED "VOTEX SURVEYING" SET



OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS ANNA INVESTMENTS, LLC is the owner of those tracts of land situated in the W.S. Rattan Survey, Abstract No. 752, City of Anna, Collin County, Texas, and being all of Lot 4, Block A of One Anna Two Addition, an addition to the City of Anna, Collin County, Texas according to the plat thereof recorded in Instrument No. _____ Official Public Records, Collin County, Texas; same being a portion of that tract of land conveyed to Anna Investments, LLC by deed recorded in Instrument No. 2018062200077080, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a TxDot concrete monument found for corner in the west right-of-way line of U.S. Highway No. 75 (a variable width right-of-way) at the northeast corner of said Lot 4;

THENCE S 07° 37' 25" W, with said west right-of-way line, a distance of 1138.74 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" found for corner at the intersection of said west right-of-way line with the north right-of-way line of Suzie Lane (a 60-foot wide right-of-way) and the southeast corner of said Lot 3;

THENCE with said north right-of-way line of Suzie Lane, the following courses and distances:

N 82° 22' 35" W, a distance of 311.75 feet to an 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" found for corner at the beginning of a non-tangent curve to the left;

In a southwesterly direction with said curve to the left, having a central angle of 09° 11' 41", a radius of 230.00 feet, a chord that bears N 86° 58' 24" W, a distance of 36.87 feet, and an arc length of 36.91 feet to a mag nail with washer stamped "VOTEX SURVEYING" set at the most southerly southwest corner of said Lot 4;

THENCE N 07° 37' 25" E, departing said north right-of-way line of Suzie Lane and with the east line of Lot 2, Block A of said One Anna Two Addition, at a distance of 492.21 feet passing a 1/2-inch iron rod found for the northeast corner of said Lot 2 and the southeast corner of Lot 3R, Block A of first mentioned One Anna Two Addition, and continuing for a total distance of 768.62 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" found for corner;

THENCE N 82° 26' 42" W, with the north line of said Lot 3R, a distance of 437.43 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" found for corner in the east right-of-way line of Standridge Boulevard (an 80-foot wide right-of-way) at the northwest corner of said Lot 3R; said point being the beginning of a non-tangent curve to the left;

THENCE with said east right-of-way line of Standridge Boulevard, the following courses and distances:

In a northeasterly direction with said curve to the left, having a central angle of 14° 41' 43", a radius of 780.00 feet, and a chord that bears N 05° 22' 38" E, a distance of 199.51 feet and an arc length of 200.05 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" found at the end of said curve;
N 01° 58' 14" W, a distance of 54.35 feet to a 1/2-inch iron rod with yellow plastic cap stamped "VOTEX SURVEYING" set at the northwest corner of said Lot 4;

THENCE N 89° 04' 37" E, with the north line of said Lot 4, a distance of 811.82 feet to the POINT OF BEGINNING and containing 514,389 square feet or 11.809 acres of land, more or less.

SURVEYOR'S STATEMENT

I, Candy Hone, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation, and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance No. 19455, as amended) and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2023.

PRELIMINARY

RELEASED 9/21/2021 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Candy Hone, Registered Professional Land Surveyor, No. 5867
Votex Surveying Company - Firm No. 10013600 - (469) 333-8831

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned, a Notary Public in and for the County and State on this day personally appeared Candy Hone, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ of _____, 2023.

Notary Public, State of Texas

LINE	BEARING	DISTANCE
L1	S 07° 34' 06" W	10.00'
L2	S 82° 25' 54" E	10.00'
L3	N 07° 34' 06" E	8.36'
L4	N 07° 34' 06" E	10.00'
L5	S 82° 25' 54" E	10.00'
L6	N 07° 34' 06" W	10.00'
L7	S 07° 37' 25" W	15.75'
L8	S 82° 22' 35" E	15.00'
L9	N 07° 37' 25" E	10.00'
L10	S 82° 22' 35" E	6.31'
L11	N 07° 37' 25" E	10.00'
L12	N 82° 22' 35" W	10.00'

CURVE TABLE						
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH	
C1	89°56'42"	30.00'	47.09'	S52°35'45" W	42.41'	
C2	90°00'03"	30.00'	47.15'	N37°24'15" W	42.45'	
C3	89°52'14"	30.00'	47.06'	S52°37'59" W	42.38'	
C4	83°49'25"	30.00'	43.89'	N34°13'02" W	40.08'	
C5	83°39'31"	56.00'	81.77'	N34°15'39" W	74.69'	
C6	90°00'00"	56.00'	87.96'	N52°34'06" E	79.20'	
C7	90°00'00"	56.00'	87.96'	S37°25'54" E	79.20'	
C8	122°26'10"	10.00'	21.37'	S53°58'46" E	17.53'	
C9	57°33'40"	30.00'	30.11'	N36°22'27" E	28.86'	
C10	90°03'19"	30.00'	47.15'	S37°24'15" E	42.45'	
C11	90°00'00"	30.00'	47.12'	S52°34'06" W	42.43'	
C12	90°00'00"	30.00'	47.12'	N37°25'54" W	42.43'	
C13	90°00'00"	30.00'	47.12'	S52°34'06" E	42.43'	
C14	90°00'00"	30.00'	47.12'	N37°25'54" W	42.43'	

CERTIFICATE OF APPROVAL

Approved on this the _____ day of _____, 2023, by the City Council, City of Anna, Texas.

Mayor

City Secretary

OWNER

ANNA INVESTMENTS, LLC
204 MEDICAL DRIVE, SUITE 100
SHERMAN, TEXAS 75092

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That ANNA INVESTMENTS, LLC, acting by and through their duly authorized agents, do hereby adopt this plat, designating the herein described property as **ONE ANNA TWO ADDITION, BLOCK A, LOTS 4R & 5**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, any streets and alleys shown thereon. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use, in, along, upon, and across said easement, with the right and privilege at all times of the City of Anna, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

This plat approved subject to all platting ordinances, rules and regulations the City of Anna, Texas.

The area or areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) easement is hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

WITNESS my hand this the _____ day of _____, 2023.

ANNA INVESTMENTS, LLC

Dr. Richard Jelsma, Manager

STATE OF TEXAS §
COUNTY OF GRAYSON §

Before me, the undersigned authority, a Notary Public in and for the County and State on this day personally appeared Dr. Richard Jelsma, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2023.

Notary Public, State of Texas
My Commission Expires: _____

PRELIMINARY REPLAT ONE ANNA TWO ADDITION LOTS 4R & 5, BLOCK A

BEING A REPLAT OF
ALL OF LOT 4, BLOCK A, ONE ANNA TWO ADDITION
RECORDED IN
INSTRUMENT NO. _____
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
11.809 ACRES
CITY OF ANNA, COLLIN COUNTY, TEXAS

VOTEX SURVEYING COMPANY - TBPLS FIRM NO. 10013600
10440 N. CENTRAL EXPWY, STE. 800 DALLAS, TEXAS 75231
PH. (469) 333-8831; condy@votexsurveying.com
PROJECT NO. 2021-028

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: One Anna Two Addition Total Number of Acres: 12.0
Zoning Classification(s): PD 795-2018 Total Number of Lots: 2
Location: Suzie Lane at US 75

Property Owner Information & Authorization

Name/Company: North Texas HOCO, LLC
Address: 4300 MacArthur Blvd. Suite 175
City: Irving State: Tx Zip Code: 75209
Phone: 917 912-6889 Email: adbossen@gmail.com

Project Representation (check one):

☐ I will represent the application myself; OR

☒ I hereby designate Jim Riley (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

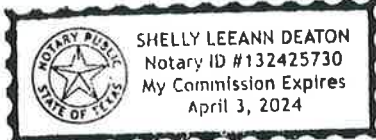
Property Owner's Signature: Andrew Bossen Date: 4/26/23

STATE OF: Texas

COUNTY OF: Grayson

BEFORE ME, a Notary Public, on this day personally appeared Andrew Bossen (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this 26 day of April, 2023



Shelly Leeann Deaton
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☒ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Jim Riley

Company: BDD

Address: 4144 North Central Expwy. Suite 1100

City: Dallas State: Tx Zip Code: 75204

Phone: 214 824-3647 Email: jriley@bddeng.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 20.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the S.E. Jenkins Estates, Block A, Lot 1, Final Plat.
Applicant: Sam Elba Jenkins.

SUMMARY:

Single-family dwelling, detached lot on 0.6± acre located on the north side of E. White Street, 740± feet east of S. Sherley Avenue. Zoned: SF-1 Single-Family Residential (SF-1).

The purpose for the Final Plat is to dedicate easements and lot and block boundaries necessary for future development.

Sec. 9.02.081 of the city's Subdivision Regulations require right-of-way dedication typically from the centerline of the existing right-of-way. However, the applicant has stated that TXDOT will not require right-of-way dedication on his property due to right-of-way takings along the south side of E. White Street which will exceed the minimum right-of-way width as shown on the city's Master Thoroughfare Plan.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

The Final Plat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to:

- a. Additions and/or alterations to the engineering plans as required by the Public Works Department; and
- b. Prior to recordation of the Final Plat, correspondence from TXDOT releasing the applicant from right-of-way dedication requirements along E. White Street.

ATTACHMENTS:

1. S.E. Jenkins Estates, Block A, Lot 1 Locator Map

2. Exhibit A - (FP) S.E. Jenkins Estates, Block A, Lot 1
3. P&Z Application

Final Plat - S.E. Jenkins Estates, Block A, Lot 1



THE CITY OF
Anna

N

Subject Property

City Limits

ETJ

0 50 100 200 Feet

June 2023

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: S.E. JENKINS ESTATES Total Number of Acres: 0.597
Zoning Classification(s): _____ Total Number of Lots: 1
Location: 227 E WHITE STREET, ANNA, TEXAS 75409

Property Owner Information & Authorization

Name/Company: SAM ELBA JENKINS
Address: 227 E WHITE STREET
City: ANNA State: TEXAS Zip Code: 75409
Phone: (214) 577-3958 Email: _____

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate DAVID SURDUKAN (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: [Signature] Date: 6/1/23

STATE OF: TEXAS

COUNTY OF: COLLIN

BEFORE ME, a Notary Public, on this day personally appeared Sam Elba Jenkins (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 1 day of June, 2023

[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): SURVEYOR
Name: DAVID SURDUKAN
Company: SURDUKAN SURVEYING, INC
Address: P.O. BOX 126
City: ANNA State: TX Zip Code: 75409
Phone: (972) 924-8200 Email: david@surdukansurveying.com

Development Services

120 W Seventh Street • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 21.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Skyway Towers Addition, Block A, Lot 1, Development Plat. Applicant: William & Mary Enox.

SUMMARY:

One lot on 1.6± acres located on the west side of Keith Lane, 1,180± feet northwest of County Road 419. Located in the Extraterritorial Jurisdiction (ETJ).

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The Development Plat is in conformance with the city's Subdivision Regulations.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

ATTACHMENTS:

1. Skyway Towers Addition, Block A, Lot 1 Locator Map
2. Exhibit A (DP) Skyway Towers Addn, BL A, Lt 1
3. Application

Development Plat - Skyway Towers Addition, Block A, Lot 1



THE CITY OF
Anna



 Subject Property

 City Limits
 ETJ

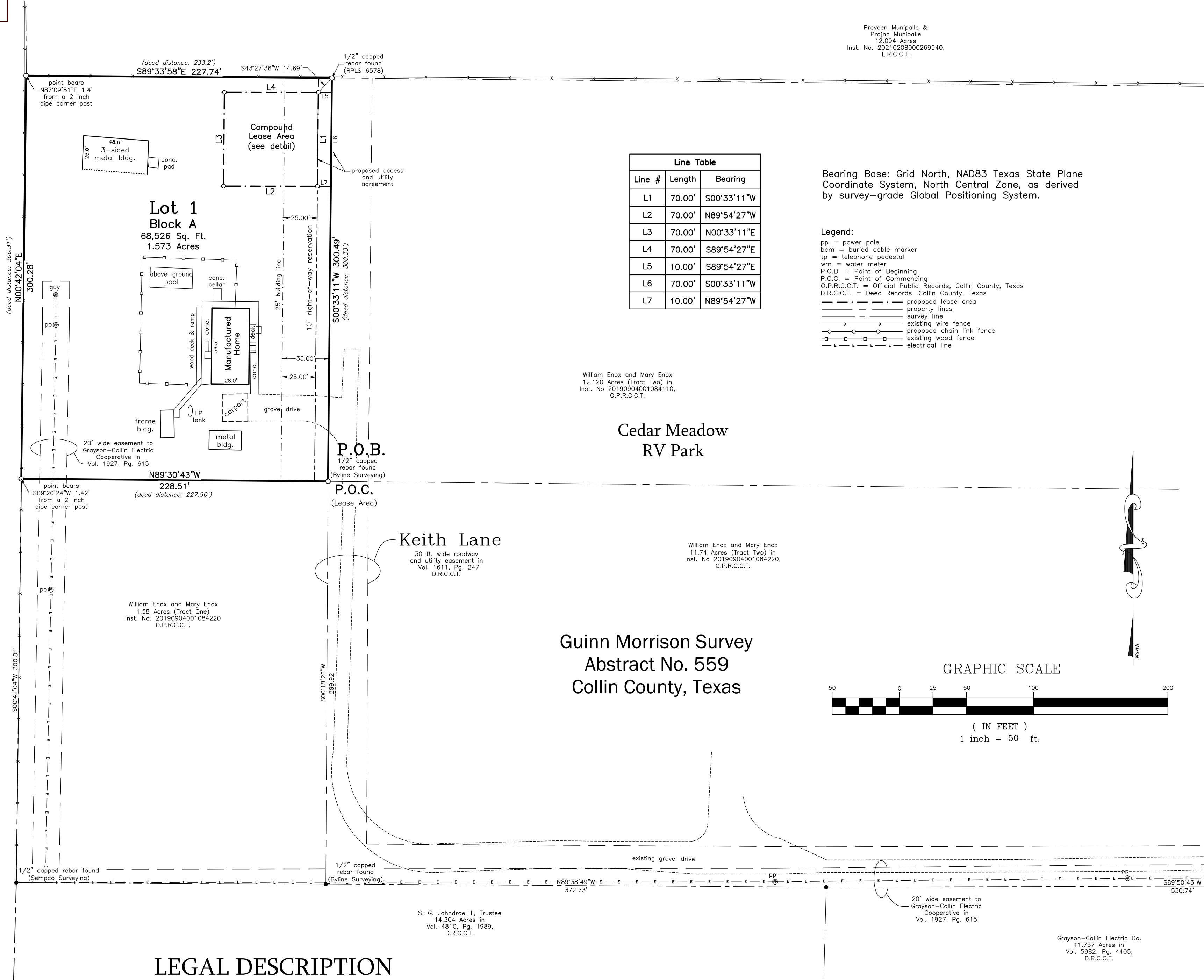
0 150 300 600 Feet

June 2023

EXHIBIT A

G. Stark Survey
Abstract No. 798
Collin County, Texas

Lindo Apparel, Inc.
171.389 Acres
Inst. No. 2022000168873,
L.R.C.C.T.



LEGAL DESCRIPTION

SITUATED in the County of Collin, State of Texas, being a part of the Guinn Morrison Survey, Abstract No. 559, and being the same 1.59 acre tract of land (Tract One) conveyed by Warranty Deed with Vendor's Lien from James Elbert Keith to William Enox and Mary Enox on August 29, 2019 and recorded in Inst. No. 20190904001084110, Official Public Records, Collin County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a ½ inch capped rebar found, stamped "Byline Surveying" in the West line of the 30 ft. wide roadway and utility easement as filed in Volume 1611, Page 247, Deed Records, Collin County, Texas, at the Northeast corner of the 1.58 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in Inst. No. 20190904001084220, said Official Public Records, the Northwest corner of the 11.74 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in said Inst. No. 20190904001084220, the Southwest corner of the 12.120 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in said Inst. No. 20190904001084110 and the Southeast corner of said Enox 1.59 ac., FROM which a ½ inch capped rebar found (Byline Surveying) at the Southwest corner of said Enox 1.58 ac. bears South 00 deg. 16 min. 07 sec. West, 300.01 ft.;

THENCE North 89 deg. 30 min. 43 sec. West, with the South line of said Enox 1.59 ac. and the North line of said Enox 1.58 ac., a distance of 228.51 ft. to a point in the East line of both the Lindo Apparel, Inc. 171.389 acre tract of land conveyed in Inst. No. 2022000168873, said Official Public Records and the G. Stark Survey, Abstract No. 798, and in the West line of said Guinn Morrison Survey, at the Northwest corner of said Enox 1.58 ac. and the Southwest corner of said Enox 1.59 ac., SAID point bears South 09 deg. 20 min. 24 sec. West, 1.42 ft. from a 2 inch pipe corner post and bears South 00 deg. 42 min. 04 sec. West, 300.81 ft. to a ½ inch capped rebar found (Sempco Surveying) at the Southwest corner of said Enox 1.58 ac.;

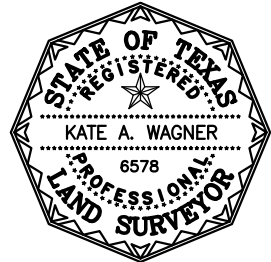
THENCE North 00 deg. 42 min. 04 sec. East, with the West line of both said Guinn Morrison Survey and Enox 1.59 ac. and the East line of both said G. Stark Survey and Lindo Apparel 171.389 ac., a distance of 300.28 ft. to a point at the Northwest corner of said Enox 1.59 ac., SAID point bears North 87 deg. 09 min. 51 sec. East, 1.4 ft. from a 2 inch pipe corner post;

THENCE South 89 deg. 33 min. 58 sec. East, with the North line of said Enox 1.59 ac. and the South line of the Proveen Munipalle and Prajna Munipalle 12.094 acre tract of land conveyed in Inst. No. 20210208000269940, said Official Public Records, a distance of 227.74 ft. to a ½ inch capped rebar found (RPLS 6578) at the Northwest corner of said Enox 12.120 ac. and the Northeast corner of said Enox 1.59 ac.;

THENCE South 00 deg. 33 min. 11 sec. West, with the West line of both said Enox 12.120 ac. and 30 ft. wide roadway and utility easement and the East line of said Enox 1.59 ac., a distance of 300.49 ft. to the **PLACE OF BEGINNING** and containing **1.573 ACRES** and/or **68,526 SQUARE FEET** of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Anna, Texas.

Kate A. Wagner, R. P. L. S. No. 6578 Date:



NOTICE:
FOR REVIEW PURPOSES ONLY.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Kate A. Wagner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public, Grayson County, Texas

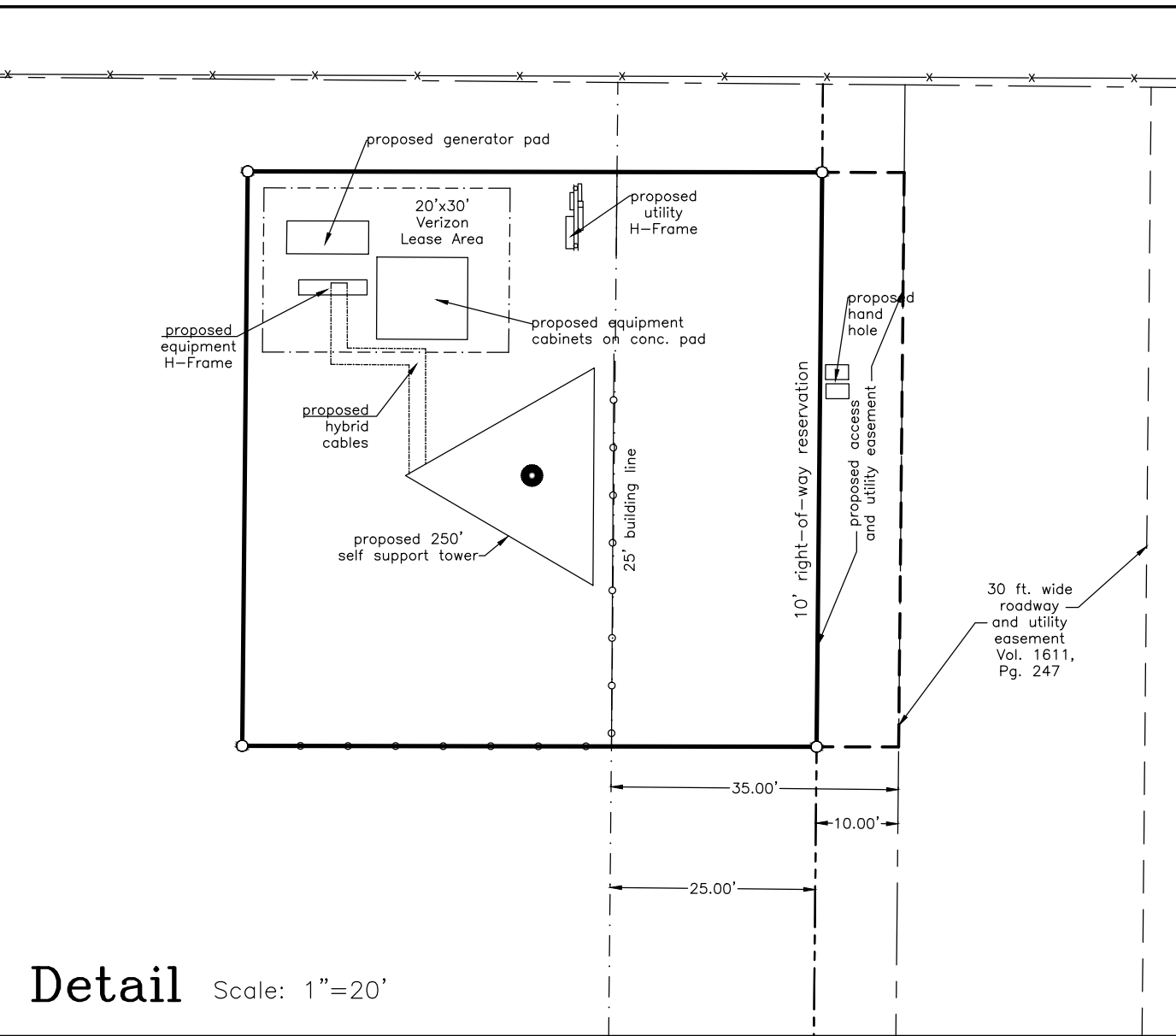
CERTIFICATE OF APPROVAL:

This approved subject to all platting ordinances, rules, and regulations of the City of Anna, Texas.

WITNESS my hand this the _____ day of _____, 2022.

Mayor, City of Anna

City Secretary



LEASE AREA

SITUATED in the County of Collin, State of Texas, being a part of the Guinn Morrison Survey, Abstract No. 559, and being the same 1.59 acre tract of land (Tract One) conveyed by Warranty Deed with Vendor's Lien from James Elbert Keith to William Enox and Mary Enox on August 29, 2019 and recorded in Inst. No. 20190904001084110, Official Public Records, Collin County, Texas and being more particularly described by metes and bounds as follows to-wit:

COMMENCING at a ½ inch capped rebar found, stamped "Byline Surveying" in the West line of the 30 ft. wide roadway and utility easement as filed in Volume 1611, Page 247, Deed Records, Collin County, Texas, at the Northeast corner of the 1.58 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in Inst. No. 20190904001084220, said Official Public Records, the Northwest corner of the 11.74 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in said Inst. No. 20190904001084220, the Southwest corner of the 12.120 acre tract of land (Tract Two) conveyed to William Enox and Mary Enox in said Inst. No. 20190904001084110 and the Southeast corner of said Enox 1.59 ac., FROM which a ½ inch capped rebar found (Byline Surveying) at the Southwest corner of said Enox 1.58 ac. bears South 00 deg. 16 min. 07 sec. West, 300.01 ft.;

THENCE North 00 deg. 33 min. 11 sec. East, with the East line of said Enox 1.59 ac. and the West line of both said Enox 12.120 ac. and said 30 ft. wide roadway & utility easement, a distance of 300.49 ft. to a ½ inch capped rebar found (RPLS 6578) at the Northeast corner of said Enox 1.59 ac. and the Northwest corner of said Enox 12.120 ac.;

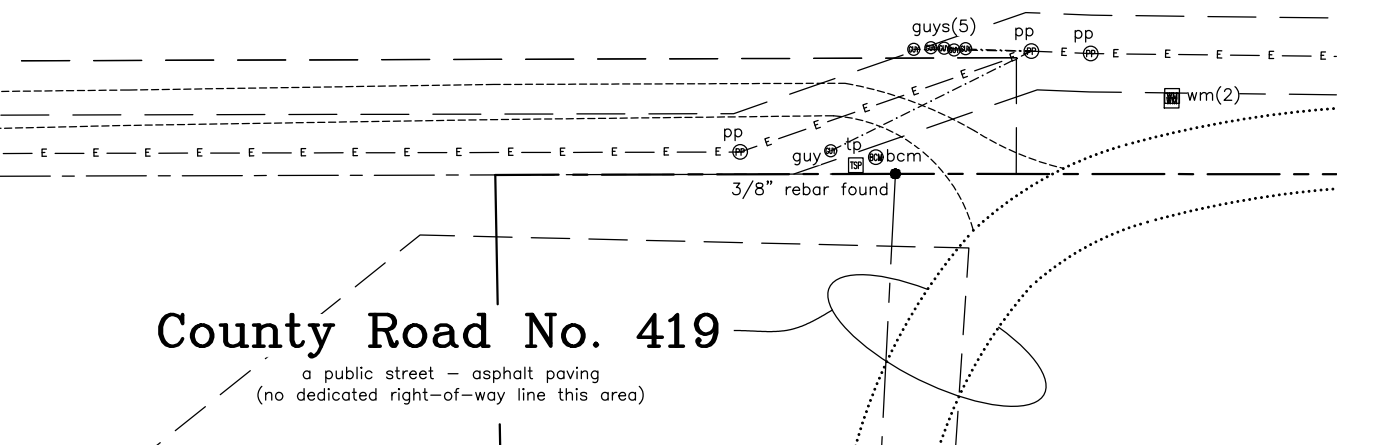
THENCE South 43 deg. 27 min. 36 sec. West, over and across said Enox 1.59 ac., a distance of 14.69 ft. to a point at the Northeast corner of the herein described tract, being the **TRUE POINT-OF-BEGINNING**;

THENCE South 00 deg. 05 min. 33 sec. West, over and across said Enox 1.59 ac., a distance of 70.00 ft. to the Southeast corner of the herein described tract;

THENCE North 89 deg. 54 min. 27 sec. West, continuing over and across said Enox 1.59 ac., a distance of 70.00 ft. to the Southwest corner of the herein described tract;

THENCE North 00 deg. 05 min. 03 sec. East, continuing over and across said Enox 1.59 ac., a distance of 70.00 ft. to the Northwest corner of the herein described tract;

THENCE South 89 deg. 54 min. 27 sec. East, continuing over and across said Enox 1.59 ac., a distance of 70.00 ft. to the **PLACE OF BEGINNING** and containing **0.112 ACRES** and/or **4,900 SQUARE FEET** of land.



Vicinity Map
(not to scale)



General Notes:

- Water Supply to be provided by North Collin Special Utility District.
- Sewer service to be provided by on-site aerobic septic system with two tanks South of the office building shown hereon. Sprinkler field shall be on "undisturbed" area East of said office building.
- Electrical service is provided by Grayson-Collin Electric Cooperative.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
- Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Anna will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Collin County, Texas and Incorporated Areas, Map No. 48085C0160 J, Revised Date: June 2, 2009.
- Neither the City of Anna nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- The subject property is within the limits of the Extraterritorial Jurisdiction of the City of Anna, Texas.
- All lots must utilize alternative type On-Site Sewage Facilities.
- Must main state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds, etc. (per State regulations).
- Grading planning will be required to meet setbacks from the creek/drainage area on the Northeastern side of the property.
- Any existing structures or OSSFs must be reviewed and permitted by Collin County Development Services prior to any use.
- Tree removal and/or grading for OSSF may be required on individual lots.
- There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.
- Each lot is limited to a maximum of 5,000 gallons of treated/disposed sewage each date.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.

Development Plat of
Lot 1, Block A
**Skyway Towers
Addition**
68,526 Square Feet
1.573 Acres
in the
**Guinn Morrison Survey
Abstract No. 559
Collin County, Texas**
Date of Revision: June 15, 2023

Job No. CCA680523

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

William Enox and Mary Enox
Owners
162 N. Meadowbrook Drive
Pottsboro, Texas 75076

Skyway Towers
Developers
3637 Madaca Lane
Tampala, FL 33618

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Enox 1.59 acres Total Number of Acres: 1.59
Zoning Classification(s): N/A - ETJ Total Number of Lots: 1
Location: Keith Lane & County Road 419

Property Owner Information & Authorization

Name/Company: William & Mary Enox
Address: 162 N Meadowbrook Drive
City: Pottsboro State: Tx Zip Code: 75076
Phone: (817) 371-8563 Email: william.enox@att.net

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Skyway Towers & agent Vincent Gerard (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

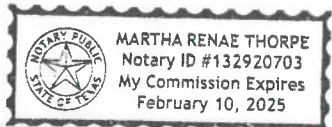
Property Owner's Signature: Mary Enox / William Enox Date: 5/26/23

STATE OF: TEXAS

COUNTY OF: Cirrusson

BEFORE ME, a Notary Public, on this day personally appeared WILLIAM ENOX (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 26th day of May, 2023



Martha Renae Thorpe, Notary Public
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Planning & Zoning Consultants

Name: Vincent G. Huebinger

Company: Vincent Gerard & Assoc. Inc.

Address: 1715 S Capital of Texas Highway, suite 207

City: Austin State: Tx Zip Code: 78746

Phone: 512 328-2693 Email: vinceh@vincentgerard.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 22.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the Zee Addition, Block A, Lot 1, Final Plat. Applicant: Zeeshan Hameed & Sharon Carroll Smith.

SUMMARY:

Single-family dwelling, detached lot on 0.2± acre located at the northwest corner of E. Seventh Street and S. Easton Drive. Zoned: SF-1 Single-Family Residential District.

The purpose for the Final Plat is to dedicate lot and block boundaries, and easements necessary for future development.

ISSUES:

The applicant desires to construct a single-family residence on an existing, unplatted lot. Prior to new construction and a building permit being approved, a property must be brought up to code including being platted. As part of the Final Plat application, the applicant is requesting waivers from adopted city standards located within §9.02.084 and §9.02.087 of the Subdivision Regulations and §9.04.010 & Appendix 1 of the Zoning Ordinance:

§9.02.084 - (c) Computation of lot and buildable area. *A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot. The minimum buildable area shall be an area 1/2 of the required minimum lot size. If the city disputes the buildable area of any lot, the developer shall submit verification in writing that the buildable area is adequate for the type of housing product (or nonresidential building) proposed for that lot. Final approval of the allowed buildable area for any lot shall be by the city.*

- The minimum lot size of the zoning district is 7,200 square feet, which requires a buildable area of 3,600 square feet.
- The existing lot is 6,503 square feet.
- With the required setbacks (25' front and rear, 6.5 side, and 15' corner side) before the right-of-way dedication, there would be a buildable area of 1,972 square feet.
- The applicant has stated that 1,972 square feet is sufficient for the proposed single-family dwelling, detached.

§9.02.087 - (a) *Requirements of the zoning district if applicable. Lots shall conform to the minimum requirements of the established zoning district, if located within the city's corporate limits.*

§9.04.010 & Appendix 1 -

1. Minimum Front Yard Setback (feet): 25
2. Minimum Lot Depth (feet): 120
3. Lot area (feet): 7200

- The existing lot depth is 87± feet and lot area is 6,503 square feet.
- After the required right-of-way dedication, the lot depth will be 76± feet and the lot area will be approximately 5,761± square feet.
- Due to the requirement for right-of-way dedication, implementing a 25-foot setback from the new property line would make the buildable area even smaller. The applicant is requesting to reduce the front yard setback to 15 feet.

As outlined in Section 9.04.042 (Board of adjustment) of the Zoning Ordinance, the Board of Adjustment has the authority to permit variances *“from the terms of the Zoning Ordinance that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.”*

The Commission lacks jurisdiction to approve or deny a variance from the Zoning Ordinance. The approval of the Final Plat simply allows the applicant to move forward and submit the variance request, which will then follow the normal process with the Board of Adjustment. If the Board of Adjustment does not approve the requested variance, the applicant will be restricted to the SF-1 Single-Family Residential District regulations as written in the Zoning Ordinance.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

Recommended for approval subject to the Board of Adjustment granting a variance to allow a reduced front yard setback and approval of the plat for the existing conditions not meeting the minimum lot depth, lot area, and buildable area.

ATTACHMENTS:

1. Zee Addition, Block A, Lot 1 Locator Map
2. Exhibit A - (FP) Zee Addition, Block A, Lot1
3. P&Z Application

Final Plat - Zee Addition, Block A, Lot 1



THE CITY OF
Anna

N

Subject Property

City Limits

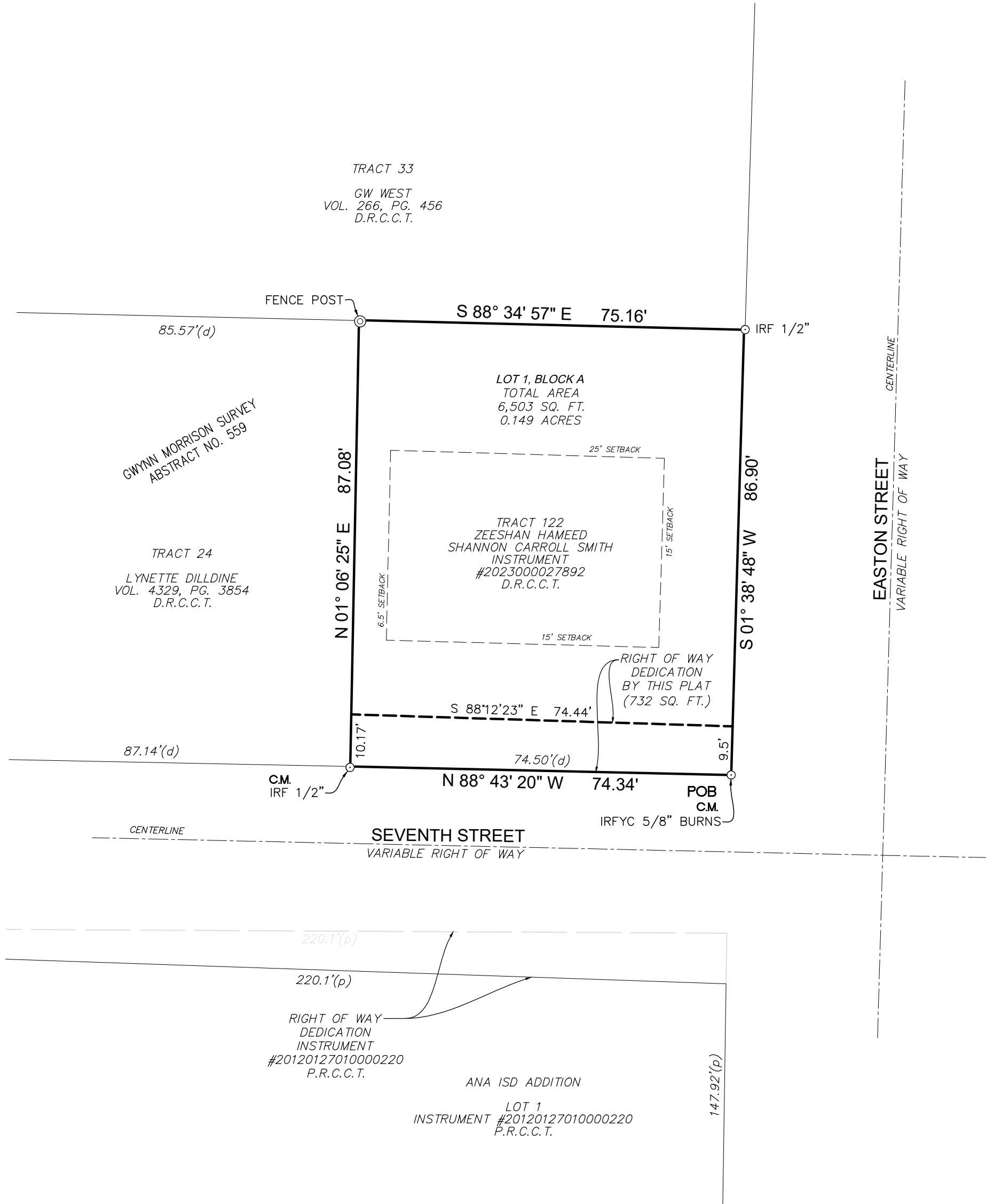
ETJ

0 50 100 200 Feet

June 2023

Plotted by: eesl Plot Date: 6/29/2023 12:38 PM

Drawing: G:\My Drive\Survey\23056-229 E Seventh St-Anna-Pla\05 CAD\Collin\23056-229 E Seventh St-Anna-Pla.dwg Saved By: eesl Save Time: 6/29/2023 12:34 PM



GENERAL NOTES:

- All bearings shown are based on the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983, (2011).
- The purpose of this plat is to create 1 lot.
- This property is located within Zone X, according to FEMA FIRM map # 48085C01604, dated June 2, 2009. It is defined as "areas determined to be outside the 0.2% annual chance floodplain".
- This plat was prepared without the benefit of a Title commitment. Easements may exist where none are shown.
- Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building certificates.
- The Single-Family Dwelling, detached home, when constructed, will be facing Seventh Street.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT:

I, Anel Rodríguez, do hereby certify that I prepared this plat from an actual survey on the ground and under my direct supervision. All the corner monuments shown hereon actually exist, and that their location is correctly shown.

Dated this the ____ day of _____, 2023.

Anel Rodríguez
Texas Registered Professional Land Surveyor No. 6671

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the state, on this day personally appeared Anel Rodríguez, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of Office, this ____ day of _____, 2023.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF COLLIN

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Zeeshan Hameed and Shannon Carroll Smith, do hereby adopt this plat designating the herein above described property as **LOT 1, BLOCK A, ZEE ADDITION**, an addition to the City of Anna, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Anna. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Anna's use thereof. The City of Anna and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Anna and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

WITNESS MY HAND at _____, Texas, this ____ day of _____, 2023.

Zeeshan Hameed
Owner

Shannon Carroll Smith
Owner

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the state, on this day personally appeared Zeeshan Hameed and Shannon Carroll Smith, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of Office, this ____ day of _____, 2023.

Notary Public in and for the State of Texas

CERTIFICATE OF APPROVAL

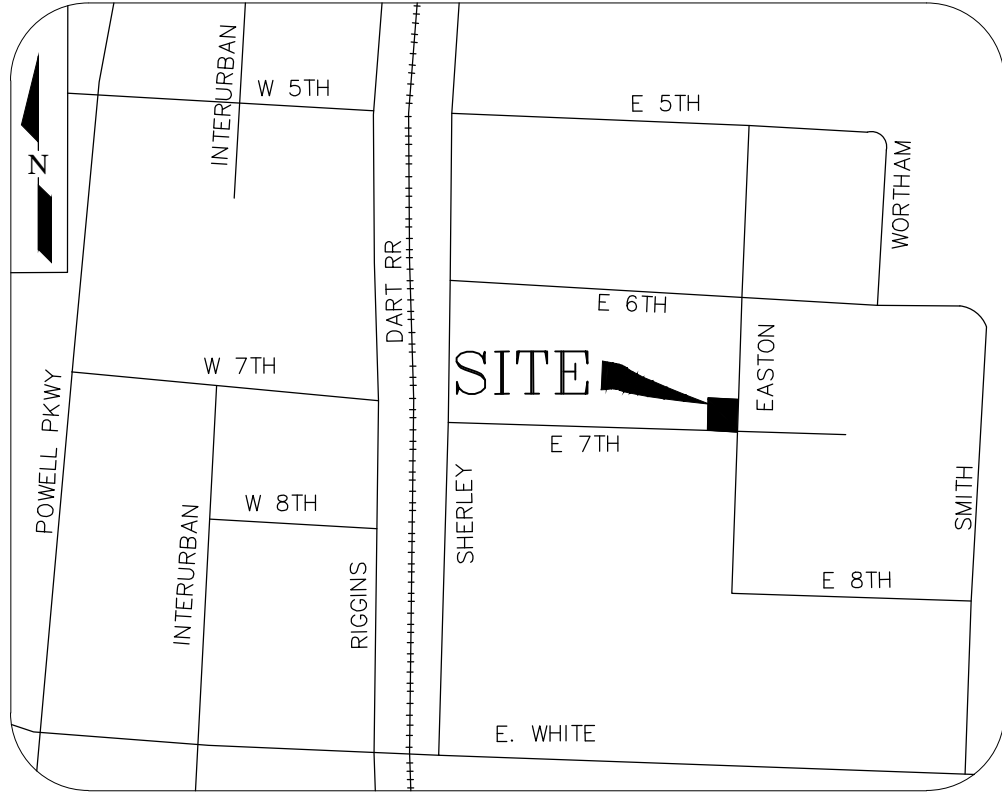
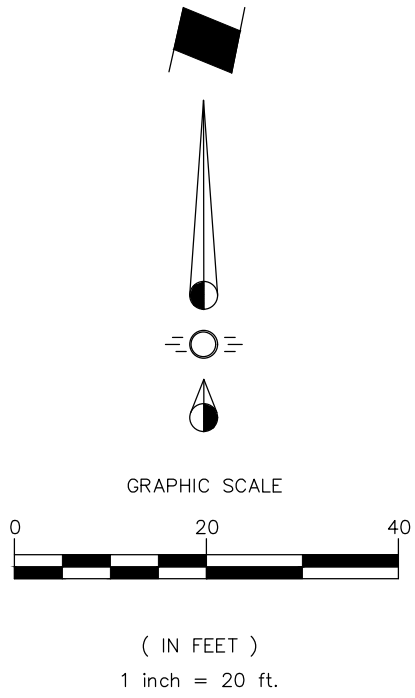
Approved this ____ day of _____, 2023,
by the City Council, City of Anna, Texas.

Mayor
City of Anna, Texas

City Secretary
City of Anna, Texas

LEGEND

(C.M.)	CONTROLLING MONUMENT		UTILITY POLE
O.P.R.D.C.T.	OFFICIAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS		WATER VALVE
M.R.D.C.T.	MAP RECORDS OF COLLIN COUNTY, TEXAS		FIRE HYDRANT
D.R.D.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS		SANITARY SEWER MANHOLE
POB	POINT OF BEGINNING		OVERHEAD POWER LINE
p, d	PLATTED, DEED		CHAIN LINK FENCE
⊙ IRF	IRON ROD FOUND (AS NOTED)		SIGN



VICINITY MAP
(NOT TO SCALE)

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF COLLIN §

BEING a 6,503 square foot or 0.149 acre tract of land, situated in the Gwynn Morrison Survey, Abstract Number 559, in the City of Anna, County of Collin, Texas, being all of the property described in a General Warranty Deed from Tomas Arredondo Jaramillo to Zeeshan Hameed and Shannon Carroll Smith, recorded in Instrument Number 2023000027892, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow cap stamped "Burns" found (Controlling Monument) at the Southeast corner of said 0.149 acre tract, same being the intersection of the North right of way line of Seventh Street, a variable width right-of-way, with the West right of way line of Easton Street, a variable width right-of-way;

THENCE North 88 degrees 43 minutes 20 seconds West, with the North tight of way line of said Seventh Street, a distance of 74.34 feet to a 1/2 inch iron rod found (Controlling Monument), for the Southwest corner thereof, same being the Southeast corner of a tract of land described in a Deed to Lynette Dilldine, recorded in Volume 4329, page 3854, of the Deed Records of Collin County, Texas (D.R.C.C.T.);

THENCE North 01 degrees 06 minutes 25 seconds East, with the common line between said 0.149 acre tract and said Dilldine tract, a distance of 87.08 feet to a fence post found for corner, at the common North corner between said tracts, same being in the South line of a tract of land described in a Deed to GW West, recorded in Volume 266, Page 456 (D.R.C.C.T.);

THENCE South 88 degrees 34 minutes 57 seconds East, with the common line between said 0.149 acre tract and said GW West tract, a distance of 75.16 feet to a 1/2 inch iron rod found for the Northeast corner thereof, same being in the West right of way line of said Easton Street;

THENCE South 01 degrees 38 minutes 48 seconds West, with the West right of way line of said Easton Street, a distance of 86.90 feet to the **POINT OF BEGINNING**, containing 6,503 square feet or 0.149 acres of land more or less.

OWNER:

ZEESHAN HAMEED
SHANNON CARROLL SMITH
229 E. SEVENTH STREET
ANNA, TX 75409

EXHIBIT A

SURVEYOR

ARA
SURVEYING
3615 KARNAGHAN LANE
MELISSA, TEXAS 75454
TEL: (972) 946-4172
TBPELS NO. 10194713
ANEL RODRIGUEZ, RPLS
arodriguez@arasurveying.com

FINAL PLAT
ZEE ADDITION
LOT 1, BLOCK A

0.149 ACRES SITUATED IN THE
GWYNN MORRISON SURVEY, ABSTRACT NO. 559
CITY OF ANNA, COLLIN COUNTY, TEXAS
MAY 13, 2023

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: _____ Total Number of Acres: 0.149
Zoning Classification(s): SF-1 Total Number of Lots: 1
Location: 229 E Seventh St. Anna, Texas

Property Owner Information & Authorization

Name/Company: Zeeshan Hameed and Sharon Carroll Smith
Address: 629 Markham Dr.
City: Anna State: TX Zip Code: 75409
Phone: 817-888-2656 Email: zee.9st@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Anel Rodriguez (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

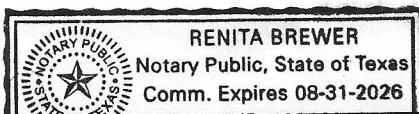
Property Owner's Signature: [Signature] Date: 06/01/2023

STATE OF: TX

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Zeeshan Hameed (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 1st day of June, 2023



[Signature]

NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Surveyor

Name: Anel Rodriguez

Company: ARA Surveyor

Address: 3615 Karnaghan Lane

City: Melissa State: TX Zip Code: 75454

Phone: 972-946-4172 Email: arodriguez@arasurveying.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 23.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street from C-2 General Commercial to Planned Development-C-2 General Commercial to allow for the use of Self-Storage, mini-warehouse with modified development standards. Applicant: Anna 31 Retail LP.

SUMMARY:

The public hearing was tabled and held open at the June 6, 2023, Planning & Zoning Commission meeting in order for the applicant to continue to refine the zoning request.

The Self-Storage, mini-warehouse land use is currently allowed only within the industrial zoning districts. The applicant is requesting to allow this land use by-right and to permit truck leasing as an accessory use to a self-storage, mini-warehouse development.

Below are the existing land use definitions associated with the Self-storage, mini-warehouse and Truck and bus leasing.

Self-storage, mini-warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

Truck and bus leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

A concept plan, Anna Retail Addition, Block A, Lot 9, accompanies this request.

Surrounding Land Use and Zoning

North Truck stop (Love's), zoned C-2 General Commercial District
East Vacant land, zoned C-2 General Commercial District
South Future multi-family residence development, zoned Planned Development-Multiple-Family Residential-High Density (Ord. No. 972-2022)
West Multi-tenant commercial building, zoned C-2 General Commercial District

Proposed Planned Development Stipulations

The requested zoning is PD-C-2. There are two primary parts to this request: land use and development standards.

Land Use - The applicant is proposing a Planned Development (PD) for the subject property to allow the land use of Self-storage, mini-ware house with Truck leasing as a permitted accessory use.

Development Standards -The language in the proposed PD district will modify Planning and Development Regulations and current development standards by.

Accessory Use – Allow Truck leasing as an accessory use to a self-storage, mini-warehouse development and limit the accessory use to a maximum of 10 trucks on site.

Storage - Prohibit outside storage or boat/RV storage.

Maximum Height – Increase allowed maximum height to 3 story/50 feet.

☐ The C-2 zoning district area regulations has a maximum height allowance of 35 feet. The requested increase will support the interior floor dimensions and to properly screen mechanical equipment that will be located on the roof.

Parking - Reduce parking requirement to 1 space per 40 storage cubicles and require 10 spaces for truck leasing.

☐ Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance requires a minimum of 1 space per 20 storage cubicles plus 1 per 1,000 sf GFA of office and 2 per living quarters.

**City Council has approved a parking reduction in the last two self-storage, mini-warehouse zoning requests (1 per 100 storage cubicles).*

Screening - Not require a wall or fence along the southern property boundary.

☐ The C-2 zoning requires a wall or fence of not less than six feet whenever a C-2 use abuts a multi-family residence zoning district. A future multi-family residence development will be located immediately to the south of the proposed development. Between the developments is a shared fire lane that will serve the purpose of east/west spine road between U.S. Highway 75 and future Buddy Hayes Boulevard. To improve the aesthetics the development is requesting to waive the fencing requirement and propose a 15-foot landscape buffer adjacent to the fire lane.

Landscaping - Enhance the screening along the northern property boundary shared with the truck stop with the following.

- a. Minimum 6-foot wood fencing with masonry columns every 20 feet.
- b. Enhanced planting within the required 5-foot perimeter landscape area between the parking spaces and adjacent property to include:
 - i. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and

- ii. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.

Hours of operation: Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays)

Attached (Exhibit B) is additional information and justification provided by the applicant on the proposed development standards.

Conformance with the Anna2050 Comprehensive Plan

Future Land Use Plan – The Future Land Use Plan designates this property as Community Commercial.

Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks and other retail and services.



Although self-storage, mini-warehouse is not identified as a retail or service land use the proposed development consists of a freestanding building that would provide a storage opportunity/service for neighbors that will be living within future surrounding multi-family developments.

CONCLUSION:

The applicant is requesting to rezone the property to a Planned Development to allow for a self-storage, mini-warehouse development that will offer Truck leasing as a permitted accessory use.

Some attributes the proposed zoning request provides includes:

- Development will include a 3-story building that will serve as a visual buffer between the future multi-family development to the south and the existing truck stop to the north.
- The proposed facility will have limited hours of operation and prohibit outside storage.
- The proposed development form is a single, multi-story, climate-controlled building.
- The applicant has agreed to enter into a Development Agreement that will include building design and material requirements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

If the Commission votes in favor of the zoning request, below are recommended restrictions for the applicants' zoning request:

Restrictions:

A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).

B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in C-2 General Commercial district and the Planning and Development Regulations except as otherwise specified herein.

i. Zoning District Area Regulations:

1. Maximum height (feet): 3 story / 50 feet

ii. Permitted Uses:

1. All uses allowed by-right and by specific use permit in the C-2 General Commercial zoning districts with the following exceptions:

a. Self-storage, mini-warehouse with Truck leasing as a permitted accessory use.

iii. Storage: Outside storage and/or boat/RV storage is prohibited.

iv. Screening:

1. No wall or fence shall be required along the southern property boundary.

2. Truck leasing vehicles are not required to be screened.

v. Parking: Self-service warehouse - 1 per 40 storage cubicles and 10 spaces for truck leasing.

vi. Landscaping - Landscaping shall conform to City ordinances with the following exception along the northern property boundary within the required 5-foot perimeter landscape area between the parking spaces and adjacent property:

1. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and

2. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.

3. A minimum 6-foot wood fencing with masonry columns every 20 feet.

vii. Hours of Operation: Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays).

C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.

D. The Concept Plan will expire after two (2) years of approval.

ATTACHMENTS:

1. Anna Retail Addition, Block A, Lot 9 Zoning Locator Map
2. P&Z - STAFF REPORT (Zoning) - Anna Retail Addition, Bl A, Lt 9 (self-storage)
3. Exhibit A - (CP) Anna Retail Addn, Bl A, Lt 9
4. Exhibit B - (PD Stipulation Justification) Anna Retail Addn, Bl A, Lt 9
5. P&Z Application

Zoning - Anna Retail Addition, Block A, Lot 9



CITY OF ANNA

Planning & Zoning Commission

July 6, 2023

Public Hearing: Zoning – Anna Retail Addition, Block A, Lot 9

Applicant: Anna 31 Retail LP

DESCRIPTION:

Request to rezone 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street from C-2 General Commercial (C-2) to Planned Development-C-2 General Commercial (PD-C-2) to allow for the use of Self-Storage, mini-warehouse with modified development standards.

REMARKS:

The public hearing was tabled and held open at the June 6, 2023, Planning & Zoning Commission meeting in order for the applicant to continue to refine the zoning request.

The Self-Storage, mini-warehouse land use is currently allowed only within the industrial zoning districts. The applicant is requesting to allow this land use by-right and to permit truck leasing as an accessory use to a self-storage, mini-warehouse development.

Below are the existing land use definitions associated with the Self-storage, mini-warehouse and Truck and bus leasing.

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Truck and bus leasing: *The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.*

A concept plan, Anna Retail Addition, Block A, Lot 9, accompanies this request.

Surrounding Land Use and Zoning

North	Truck stop (Love's), zoned C-2 General Commercial District
East	Vacant land, zoned C-2 General Commercial District.
South	Future multi-family residence development, zoned Planned Development-Multiple-Family Residential-High Density (Ord. No. 972-2022).
West	Multi-tenant commercial building, zoned C-2 General Commercial District

Proposed Planned Development Stipulations

The requested zoning is PD-C-2. There are two primary parts to this request: land use and development standards.

Land Use - The applicant is proposing a Planned Development (PD) for the subject property to allow the land use of Self-storage, mini-ware house with Truck leasing as a permitted accessory use.

Development Standards -The language in the proposed PD district will modify Planning and Development Regulations and current development standards by.

Accessory Use – Allow Truck leasing as an accessory use to a self-storage, mini-warehouse development and limit the accessory use to a maximum of 10 trucks on site.

Storage - Prohibit outside storage or boat/RV storage.

Maximum Height – Increase allowed maximum height to 3 story/50 feet.

- The C-2 zoning district area regulations has a maximum height allowance of 35 feet. The requested increase will support the interior floor dimensions and to properly screen mechanical equipment that will be located on the roof.

Parking - Reduce parking requirement to 1 space per 40 storage cubicles and require 10 spaces for truck leasing.

- Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance requires a minimum of 1 space per 20 storage cubicles plus 1 per 1,000 sf GFA of office and 2 per living quarters.

**City Council has approved a parking reduction in the last two self-storage, mini-warehouse zoning requests (1 per 100 storage cubicles).*

Screening - Not require a wall or fence along the southern property boundary.

- The C-2 zoning requires a wall or fence of not less than six feet whenever a C-2 use abuts a multi-family residence zoning district. A future multi-family residence development will be located immediately to the south of the proposed development. Between the developments is a shared fire lane that will serve the purpose of east/west spine road between U.S. Highway 75 and future Buddy Hayes Boulevard. To improve the aesthetics the development is requesting to waive the fencing requirement and propose a 15-foot landscape buffer adjacent to the fire lane.

Landscaping - Enhance the screening along the northern property boundary shared with the truck stop with the following.

- a. Minimum 6-foot wood fencing with masonry columns every 20 feet.
- b. Enhanced planting within the required 5-foot perimeter landscape area between the parking spaces and adjacent property to include:
 - i. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and
 - ii. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.

Hours of operation: Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays)

Attached (Exhibit B) is additional information and justification provided by the applicant on the proposed development standards.

Conformance with the Anna2050 Comprehensive Plan

Future Land Use Plan – The Future Land Use Plan designates this property as Community Commercial.

Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for residents of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks and other retail and services.

Although self-storage, mini-warehouse is not identified as a retail or service land use the proposed development consists of a freestanding building that would provide a storage opportunity/service for neighbors that will be living within future surrounding multi-family developments.



SUMMARY:

The applicant is requesting to rezone the property to a Planned Development to allow for a self-storage, mini-warehouse development that will offer Truck leasing as a permitted accessory use.

Some attributes the proposed zoning request provides includes:

- Development will include a 3-story building that will serve as a visual buffer between the future multi-family development to the south and the existing truck stop to the north.
- The proposed facility will have limited hours of operation and prohibit outside storage.
- The proposed development form is a single, multi-story, climate-controlled building.
- The applicant has agreed to enter into a Development Agreement that will include building design and material requirements.

RECOMMENDATION:

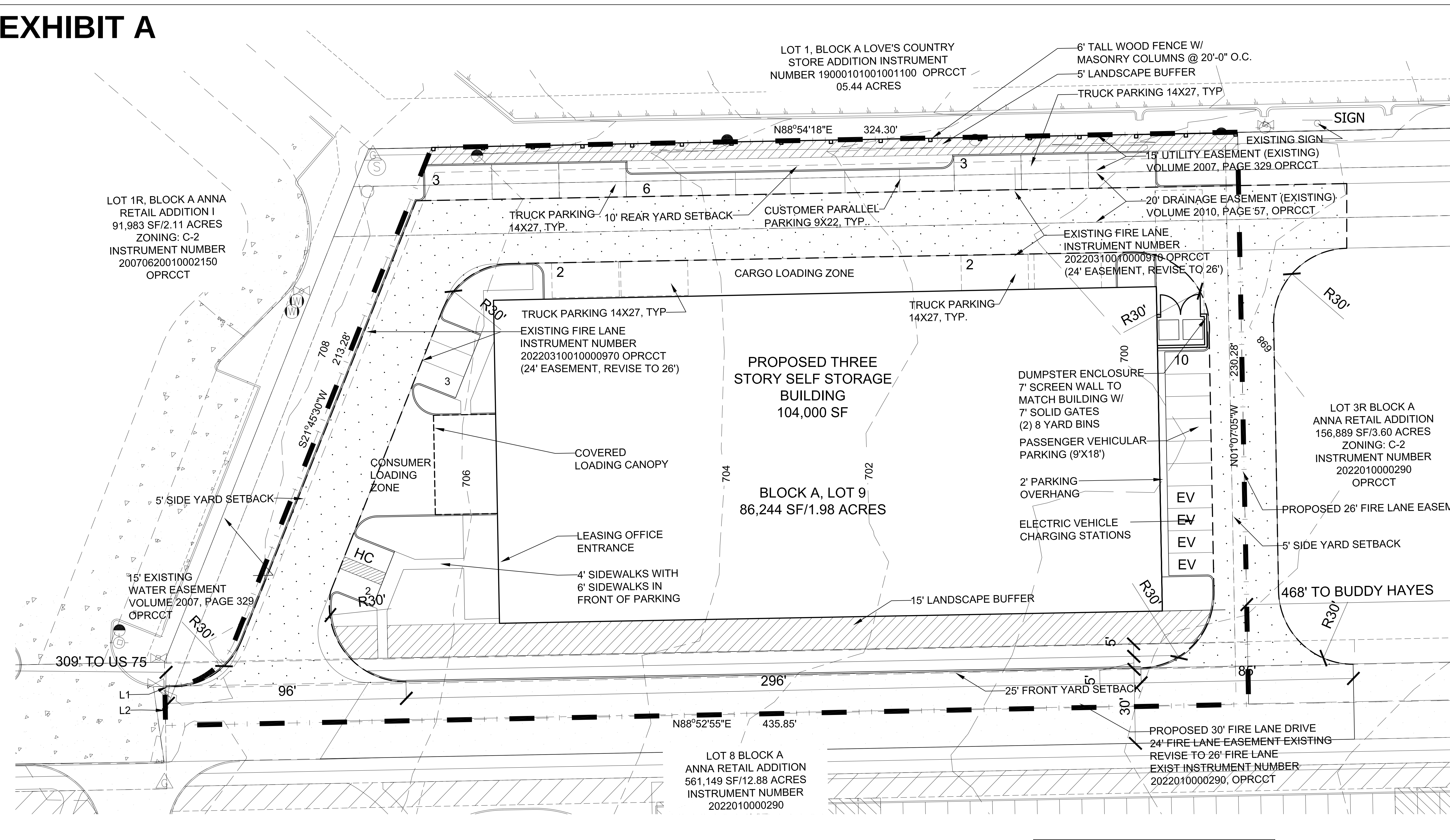
If the Commission votes in favor of the zoning request, below are recommended restrictions for the applicants' zoning request:

Restrictions:

- A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).
- B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in C-2 General Commercial district and the Planning and Development Regulations except as otherwise specified herein.
 - i. Zoning District Area Regulations:
 1. Maximum height (feet): 3 story / 50 feet
 - ii. Permitted Uses:
 1. All uses allowed by-right and by specific use permit in the C-2 General Commercial zoning districts with the following exceptions:

- a. Self-storage, mini-warehouse with Truck leasing as a permitted accessory use.
 - iii. Storage: Outside storage and/or boat/RV storage is prohibited.
 - iv. Screening:
 - 1. No wall or fence shall be required along the southern property boundary.
 - 2. Truck leasing vehicles are not required to be screened.
 - v. Parking: Self-service warehouse - 1 per 40 storage cubicles and 10 spaces for truck leasing.
 - vi. Landscaping - Landscaping shall conform to City ordinances with the following exception along the northern property boundary within the required 5-foot perimeter landscape area between the parking spaces and adjacent property:
 - 1. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and
 - 2. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.
 - 3. A minimum 6-foot wood fencing with masonry columns every 20 feet.
 - vii. Hours of Operation: Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays).
- C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.
- D. The Concept Plan will expire after two (2) years of approval.

EXHIBIT A



SITE PLAN LEGEND

DUMPSTER ENCLOSURE
(50' APPROACH SHOWN)

26' FIRE LANE

EV

ELECTRIC VEHICLE CHARGING

HC

ACCESSIBLE PARKING SPACE

LANDSCAPE BUFFER

Lot 9 Block A: Site Data Summary Table

General Site Data	
Zoning	PD-C2
Proposed Land Use	Self Storage - 800 units Max
Lot Area	86,244
Lot Area Combined (Acres)	1.98
Building Footprint Area (Approximate)	34,800
Area Covered by Canopy	600
Maximum Building Height (# Stories)	3
Maximum Building Height (Feet)	50' to T.O. Parapet
Lot Coverage	40%
Floor Area Ratio	1.1/5
Parking	
Parking Required 1 space per 40 units, 800 max	20
Standard Parking Provided	19
Accessible Parking Required	2
Accessible Parking Provided	2
Customer Parking Provided	21
Truck Rental Parking	10
Total Parking Provided	31
Landscaping Area	
Landscape area requirement (15% of street yard)	NA
Landscape Area Requirement (10% of entire site)	8624.4
Total Landscape Area Provided	9024
Internal LS area required	152
Internal LS Provided	2,052
Other Impervious Area	8,960
Permeable Areas	
Permeable Pavement	0
Other Permeable Area	0
Total permeable Area	0
Impervious Area	
Building Area	34,800
Sidewalks, Pavement, and other Impervious Flatwork	33,460
Other Impervious Area	
Total Impervious Area	68,260
Total Landscape Area, Impervious Area, Permeable Area	86,244
Total Area for Outdoor Storage	None

US 75 CENTRAL EXPRESSWAY

WHITE STREET/FM 455

SITE

SITE PLAN GENERAL NOTES

1. Buildings 6,000 square feet or greater shall be 100% fire sprinkled.

2. Fire lanes shall be designed and constructed per city standards.

3. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.

4. FIVE-foot wide sidewalks shall be provided per the City design Manual in the public Right of Way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city.

5. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.

6. Mechanical units, dumpsters, and trash compactors shall be screened in accordance with the Zoning Ordinance.
7. All signage contingent upon approval by Building Inspections Department.

8. Approval of the site plan is not final until all engineering plans are approved.

9. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.

10. Outdoor lighting shall comply with illumination standards within city ordinance. Please contact the Building Inspections Department to determine the type of construction and occupancy group.

11. All private electrical transmission, distribution, and service lines must be underground.
12. Uses shall conform in operation, location, and construction to the following performance standards in the Zoning Ordinance: noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, and/or other performance standards.

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	66° 47' 54"	30.00	34.98'	S55° 09' 27"W	33.03'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S88° 33' 24"W	1.15'
L2	S01° 03' 24"E	15.56'

GREENLIGHT

STUDIO, LLC

www.greenlightcompany.com

100 N. Cottonwood Drive Suite 104
Richardson, Texas 75080
214.810.4535
Drawn by/Checked By:
Tyler Adams, Registered Architect 21898

Owner:
Anna 31 Retail LP
8400 Westchester Dr. Suite 300
Dallas, Texas 75225
Contact: David Claassen - 214.361.8300

020'40'

Scale: 1:20

N

CITY PROJECT _____

CONCEPT PLAN
ANNA RETAIL ADDITION

Lot 9 Block A
1.98 Acres
City of Anna, Collin County, Texas
Thomas Rattan Survey Abstract 782
Prepared: May 24, 2023

Memorandum

RECEIVED
May 24, 2023
PLANNING DEPT.
CITY OF ANNA

May 24, 2023

TO: City of Anna Planning and Development
PO Box 776
Anna, TX 75409

REF: Anna Retail Addition Lot 9 Block A
Request to rezone from C2 to PD-C2
Zoning Request Summary and Justification

Existing Zoning: C-2
Requested Zoning: PD-C2

Ordinance	C-2 Base	Request
Max Height	35 feet	50 feet
Side Yard, Interior	5 feet	Unchanged
Rear Yard, Interior	10 feet	Unchanged
Front Yard	25 feet	Unchanged
Lot Area	10,000 SF	Unchanged
Lot Width	80 feet	Unchanged
Lot Depth	100 feet	Unchanged
Lot Coverage	70%	Unchanged

Use

Add the use of Mini Warehouse/Self Storage and Truck Rental to this district subject to an approved site plan and conditions. Maximum of ten (10) trucks on site, no outside storage or boat/RV storage allowed.

Hours of operation

Office Hours:
Summer Hours: Monday - Saturday, 9:00 A.M. To 6:00 P.M.
Winter Hours: Monday - Saturday, 9:00 A.M. To 5:30 P.M.
Sunday: Closed
Closed on all major holidays

Building Hours:
Daily: 6:00 A.M. – 10:00 P.M. (including holidays)

Security

Building will have electronic entry and unit entry via smartphone or Bluetooth fob.
24/7 Video, recording during business hours, and live monitoring when closed.

Memorandum

Building Height

Request to change the building height from 35 feet to 50 feet,

Justification: Our floor-to-floor dimension for this use is 11', resulting in a 33' elevation to the top of the structure. The project requires additional height to properly screen the mechanical equipment per the current development code.

Landscape

Request to remove fencing requirement to multifamily: Multifamily already has landscaping barrier and fencing along the proposed spine road.

Justification: this has a spine road straddling the property line to the south, which provides access for this mixed-use district between US 75 and Buddy Hayes. The multifamily PD already has a screening fence on the south side of the spine road. Adding another screen on this property would result in a "tunnel effect" along the spine road – by removing the requirement, the property would be more open to the district as a whole. A 15' landscape buffer shall be provided on the north side of the spine road.

North Buffer: provide a 5' landscape buffer with a 6'-0" tall wood fence with masonry columns every 20', evergreens every 20', and shade trees every 40'.

Justification: Existing fire lane in place. We propose to utilize head-in parking, which constrains the north buffer zone. We are adding multiple parking islands to provide ample space for shade trees every 40' along the buffer zone.

Remove landscape buffers on the east and west boundaries of the property.

Justification: to the west, the existing fire lane is against the property line; we have the opportunity for an improved landscape area at the main entrance of the building. On the east, we provide a fire lane to straddle both sides of the property line, increasing the efficiencies of both properties. A 5' landscape buffer shall be provided on the north side of the property.

Parking

Parking requirement is 1:20 storage units. We request a reduction to 1:40 storage units.

Justification: While the current 1:20 ratio may make sense for a single-story, drive-up product, our experience is that parking requirements for a three-story conditioned building are much lower. We have successfully parked our projects at a 1:10,000 SF ratio. The site's existing conditions allow us to provide ample parking for both passenger vehicles at a rate of 1 space for every 40 units excluding loading area spaces. As an additional community amenity, we propose to provide a minimum of four EV charging parking spaces available to the public.

Request for Additional Parking for Truck Rental – 10 Truck maximum

Justification: The site layout and orientation to adjacent current structures creates the opportunity to store trucks for rent in an area which is not easily seen from the right of way. We propose a maximum of 10 spaces for truck rentals. No outside storage is permitted (Boat/RV storage, vehicle storage, trailer storage, etc).

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Anna Retail Addition Total Number of Acres: 1.98
Zoning Classification(s): C2 Total Number of Lots: 1
Location: Lot 9 Block A

Property Owner Information & Authorization

Name/Company: Anna 31 Retail LP
Address: 8400 Westchester Dr Suite 300
City: Dallas State: Texas Zip Code: 75225
Phone: 214.361.8300 Email: david@claasseninvestments.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Tyler Adams/Greenlight Studio (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

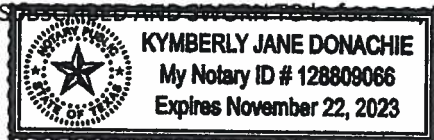
Property Owner's Signature: [Signature] Date: 5-2-23

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared David E. Claassen (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

Subscribed and sworn to before me this the 2nd day of May, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Architect

Name: Tyler Adams

Company: Greenlight Studio LLC

Address: 100 N Cottonwood Drive Suite 104

City: Richardson State: Texas Zip Code: 75080

Phone: 214.810.4535 Email: tyler@gldevco.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 24.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the Anna Retail Addition, Block A, Lot 9, Concept Plan.
Applicant: Anna 31 Retail LP.

SUMMARY:

Self-storage, mini-warehouse on one lot on 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street.

This concept plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose of the concept plan is to show the conceptual layout and related site improvements associated with a future self-storage, mini-warehouse development. The concept plan complies with the Planning and Development regulations as requested by the zoning case.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

If the rezoning request is recommended for approval, Concept Plan approval shall be subject to City Council approval of the zoning request.

ATTACHMENTS:

1. Anna Retail Addition, Block A, Lot 9 Concept Plan Locator Map
2. Exhibit A - (CP) Anna Retail Addn, Bl A, Lt 9
3. P&Z Application

Concept Plan - Anna Retail Addition, Block A, Lot 9

US HIGHWAY 75

S CENTRAL EXPY

W WHITE ST

S BUDDY HAYES BLVD

THE CITY OF
Anna

N



Subject
Property



City Limits



200' Notice
Boundary

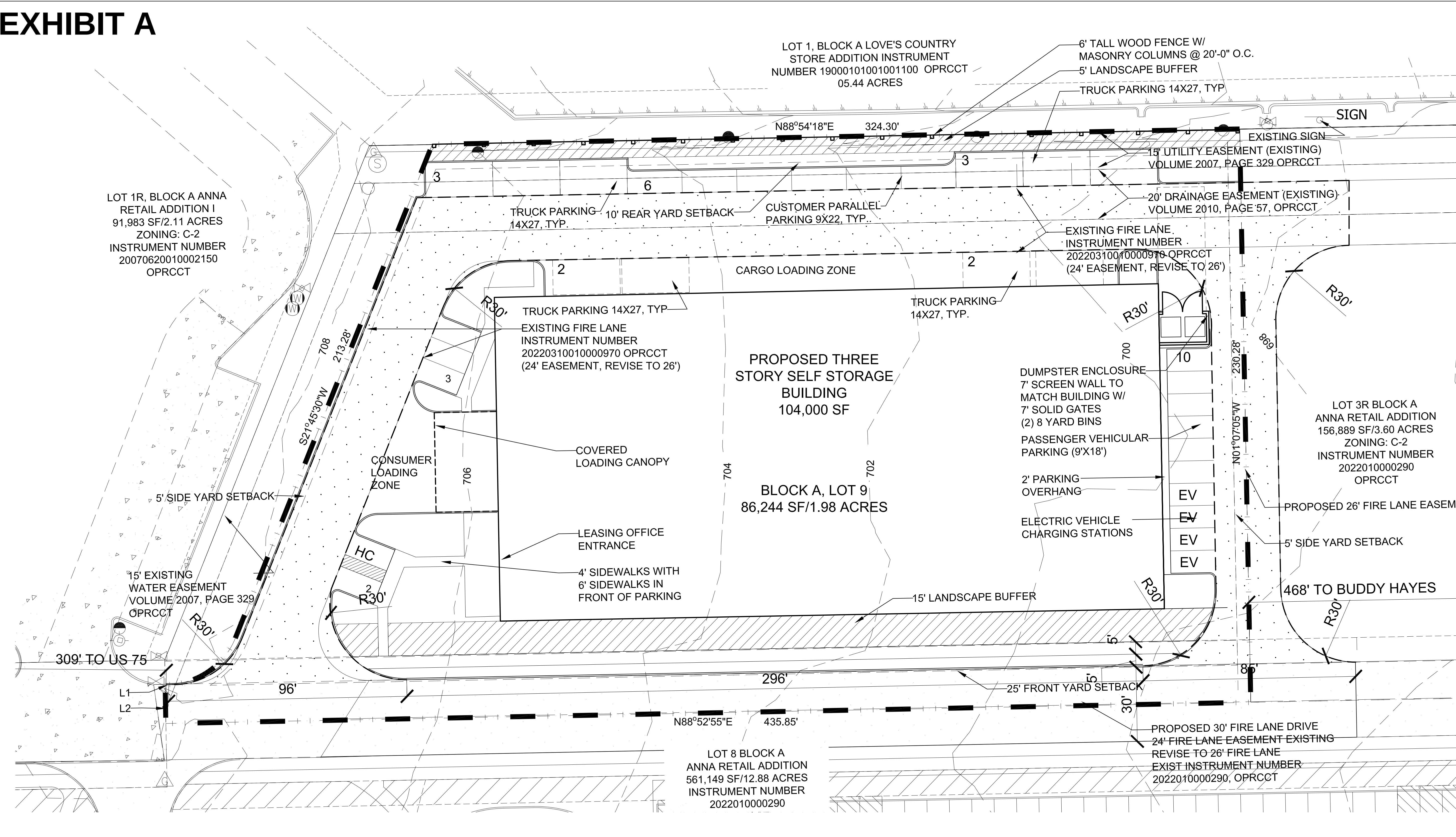


ETJ

0 100 200 400
Feet

May 2023

EXHIBIT A



SITE PLAN LEGEND

DUMPSTER ENCLOSURE
(50' APPROACH SHOWN)

26' FIRE LANE

EV

ELECTRIC VEHICLE CHARGING

HC

ACCESSIBLE PARKING SPACE

LANDSCAPE BUFFER

Lot 9 Block A: Site Data Summary Table

General Site Data	
Zoning	PD-C2
Proposed Land Use	Self Storage - 800 units Max
Lot Area	86,244
Lot Area Combined (Acres)	1.98
Building Footprint Area (Approximate)	34,800
Area Covered by Canopy	600
Maximum Building Height (# Stories)	3
Maximum Building Height (Feet)	50' to T.O. Parapet
Lot Coverage	40%
Floor Area Ratio	1.1/5
Parking	
Parking Required 1 space per 40 units, 800 max	20
Standard Parking Provided	19
Accessible Parking Required	2
Accessible Parking Provided	2
Customer Parking Provided	21
Truck Rental Parking	10
Total Parking Provided	31
Landscaping Area	
Landscape area requirement (15% of street yard)	NA
Landscape Area Requirement (10% of entire site)	8624.4
Total Landscape Area Provided	9024
Internal LS area required	152
Internal LS Provided	2,052
Other Impervious Area	8,960
Permeable Areas	
Permeable Pavement	0
Other Permeable Area	0
Total permeable Area	0
Impervious Area	
Building Area	34,800
Sidewalks, Pavement, and other Impervious Flatwork	33,460
Other Impervious Area	
Total Impervious Area	68,260
Total Landscape Area, Impervious Area, Permeable Area	86,244
Total Area for Outdoor Storage	None

SITE PLAN GENERAL NOTES

1. Buildings 6,000 square feet or greater shall be 100% fire sprinkled.

2. Fire lanes shall be designed and constructed per city standards.

3. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.

4. FIVE-foot wide sidewalks shall be provided per the City design Manual in the public Right of Way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city.

5. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.

6. Mechanical units, dumpsters, and trash compactors shall be screened in accordance with the Zoning Ordinance.
7. All signage contingent upon approval by Building Inspections Department.

8. Approval of the site plan is not final until all engineering plans are approved.

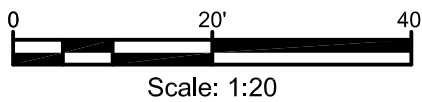
9. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.

10. Outdoor lighting shall comply with illumination standards within city ordinance. Please contact the Building Inspections Department to determine the type of construction and occupancy group.

11. All private electrical transmission, distribution, and service lines must be underground.
12. Uses shall conform in operation, location, and construction to the following performance standards in the Zoning Ordinance: noise, smoke and particulate matter, odorous matter, fire or explosive hazard material, toxic and noxious matter, vibration, and/or other performance standards.

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LINE TABLE		
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L2	S01° 03' 24"E	15.56'



GREENLIGHT

STUDIO, LLC
www.greenlightcompany.com

100 N. Cottonwood Drive Suite 104
Richardson, Texas 75080
214.810.4535
Drawn by/Checked By:
Tyler Adams, Registered Architect 21898

Owner:
Anna 31 Retail LP
8400 Westchester Dr. Suite 300
Dallas, Texas 75225
Contact: David Claassen - 214.361.8300

CITY PROJECT _____

**CONCEPT PLAN
ANNA RETAIL ADDITION**

Lot 9 Block A
1.98 Acres
City of Anna, Collin County, Texas
Thomas Rattan Survey Abstract 782
Prepared: May 24, 2023

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Anna Retail Addition Total Number of Acres: 1.98
Zoning Classification(s): C2 Total Number of Lots: 1
Location: Lot 9 Block A

Property Owner Information & Authorization

Name/Company: Anna 31 Retail LP
Address: 8400 Westchester Dr Suite 300
City: Dallas State: Texas Zip Code: 75225
Phone: 214.361.8300 Email: david@claasseninvestments.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Tyler Adams/Greenlight Studio (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

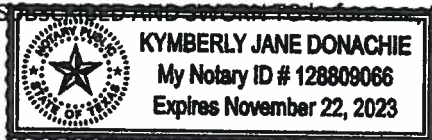
Property Owner's Signature: [Signature] Date: 5-2-23

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared David E. Claassen (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

Subscribed and sworn to before me this the 2nd day of May, 2023



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other (specify): Architect

Name: Tyler Adams

Company: Greenlight Studio LLC

Address: 100 N Cottonwood Drive Suite 104

City: Richardson State: Texas Zip Code: 75080

Phone: 214.810.4535 Email: tyler@gldevco.com

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 25.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone one lot on 0.4± acre located on the north side of Hackberry Drive, 320± feet east of N. Powell Parkway from SF-1 Single-Family Residential to C-1 Restricted Commercial to allow for a proposed general office use. Applicant: Joe A. Greer, Jr.

SUMMARY:

The applicant is requesting to rezone the property to the Restricted Commercial (C-1) zoning district to allow for general office use.

The intent of the C-1 zoning district is to accommodate the shopping needs of residents in adjacent residential areas and where service establishments deal directly with customers.

A Site Plan, J.A. Greer Addition, Block A, Lot 1, accompanies this request.

Surrounding Land Use and Zoning

North	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
East	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
South	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
West	Vacant lot zoned SF-1 Single-Family Residential District

Future Land Use Plan – The subject property is located within the Anna 2050 Downtown Master Plan, situated within the Downtown Neighborhood District, and identified as an Intown Residential character area. To the immediate west and south of the subject property is the Downtown Core District and areas identified as Adaptive Reuse / Infill character areas.

- *Intown Residential areas* remain essential in maintaining and elevating the quality of each neighborhood. These areas can provide the critical residential base necessary to support the businesses envisioned for Downtown.
- *Adaptive Reuse/Infill areas* encourage home conversion to small businesses or

be redeveloped with new building types. While there may be some new development on these sites, they are not expected to be aggregated with other sites for redevelopment purposes.

The applicant is looking to use the existing home, which dates back to the 1800's, as a general office type use which would serve as a quieter commercial use and serve as a transition from the Downtown Core area to the Downtown Neighborhood Area.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

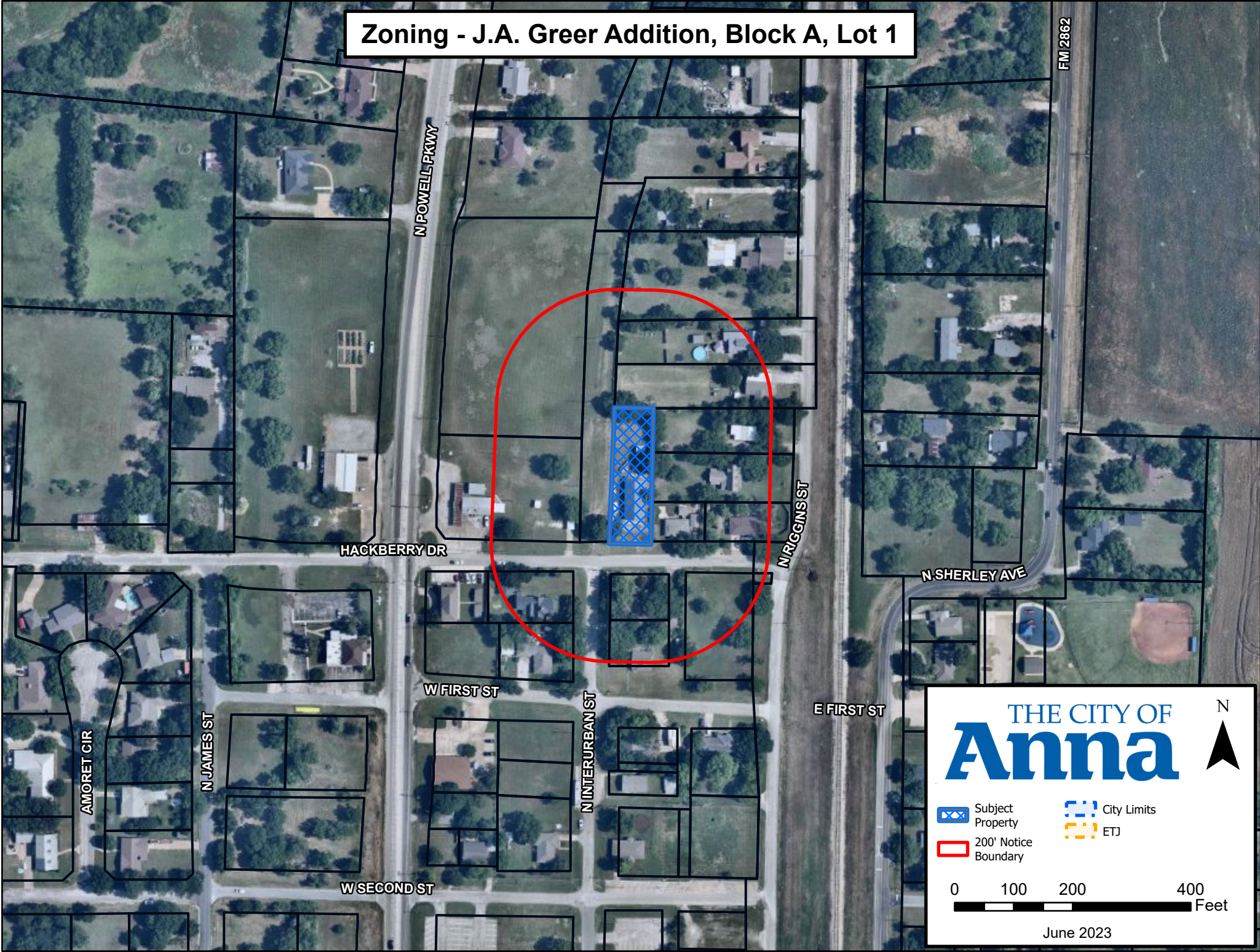
STAFF RECOMMENDATIONS:

The Future Land Use Plan and Downtown Master Plan should not be viewed as a parcel-based map. The proposed zoning request involves the conversion of a former home to a small business which is in alignment of the Adaptive Reuse/Infill designation.

ATTACHMENTS:

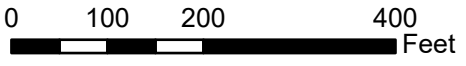
1. J.A. Greer Addition, Block A, Lot 1 Zoning Locator Map
2. PZ - STAFF REPORT (Zoning) - J.A. Greer Addition, Block A, Lot 1
3. Exhibit A - (SP) J.A. Greer Addition, Block A, Lot 1
4. P&Z Application

Zoning - J.A. Greer Addition, Block A, Lot 1



THE CITY OF
Anna

-  Subject Property
-  City Limits
-  200' Notice Boundary
-  ETJ



June 2023

CITY OF ANNA

Planning & Zoning Commission

July 6, 2023

Public Hearing: Zoning – J.A. Greer Addition, Block A, Lot 1

Applicant: Joe A. Greer, Jr.

DESCRIPTION:

Request to rezone 0.4± acre located on the north side of Hackberry Drive, 320± feet east of N. Powell Parkway from SF-1 Single-Family Residential to C-1 Restricted Commercial to allow for a proposed general office use.

REMARKS:

The applicant is requesting to rezone the property to the Restricted Commercial (C-1) zoning district to allow for general office use.

The intent of the C-1 zoning district is to accommodate the shopping needs of residents in adjacent residential areas and where service establishments deal directly with customers.

A Site Plan, J.A. Greer Addition, Block A, Lot 1, accompanies this request.

Surrounding Land Use and Zoning

North	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
East	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
South	Single-family dwelling, detached lot zoned SF-1 Single-Family Residential District
West	Vacant lot zoned SF-1 Single-Family Residential District

Future Land Use Plan – The subject property is located within the Anna 2050 Downtown Master Plan, situated within the Downtown Neighborhood District, and identified as an Intown Residential character area. To the immediate west and south of the subject property is the Downtown Core District and areas identified as Adaptive Reuse / Infill character areas.

- *Intown Residential areas* remain essential in maintaining and elevating the quality of each neighborhood. These areas can provide the critical residential base necessary to support the businesses envisioned for Downtown.
- *Adaptive Reuse/Infill areas* encourage home conversion to small businesses or be redeveloped with new building types. While there may be some new development on these sites, they are not expected to be aggregated with other sites for redevelopment purposes.

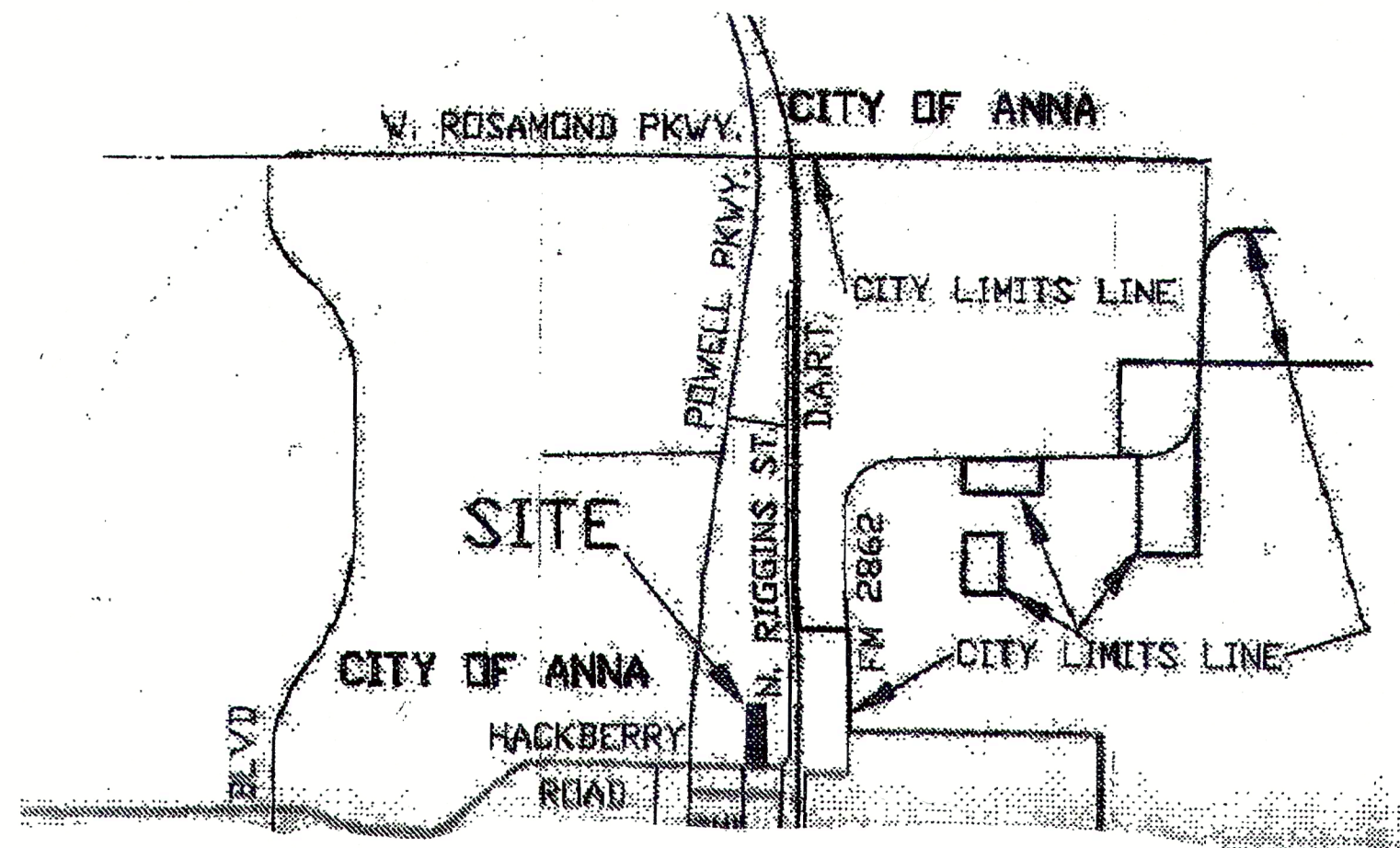
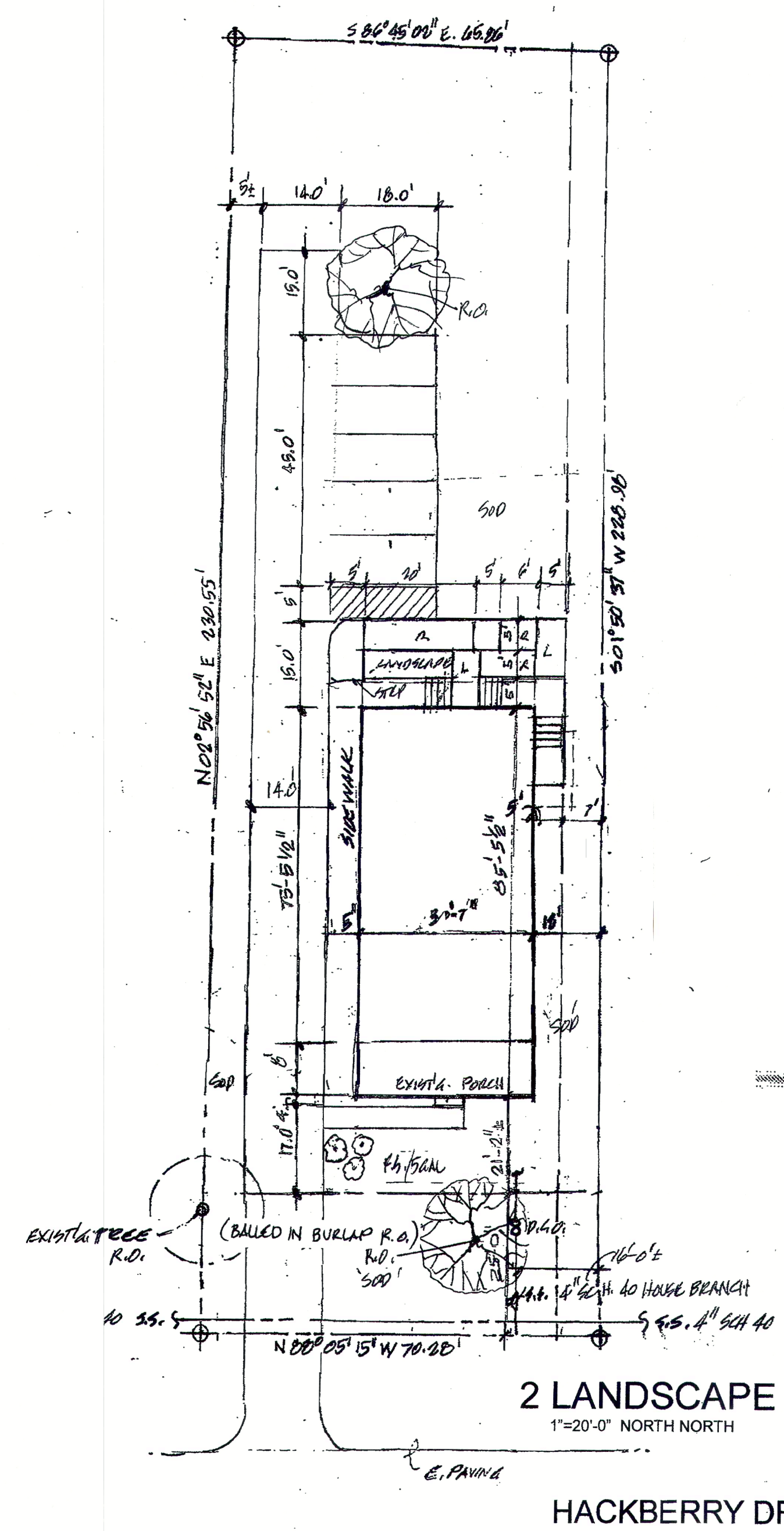
The applicant is looking to use the existing home, which dates back to the 1800's, as a general office type use which would serve as a quieter commercial use and serve as a transition from the Downtown Core area to the Downtown Neighborhood Area.

SUMMARY:

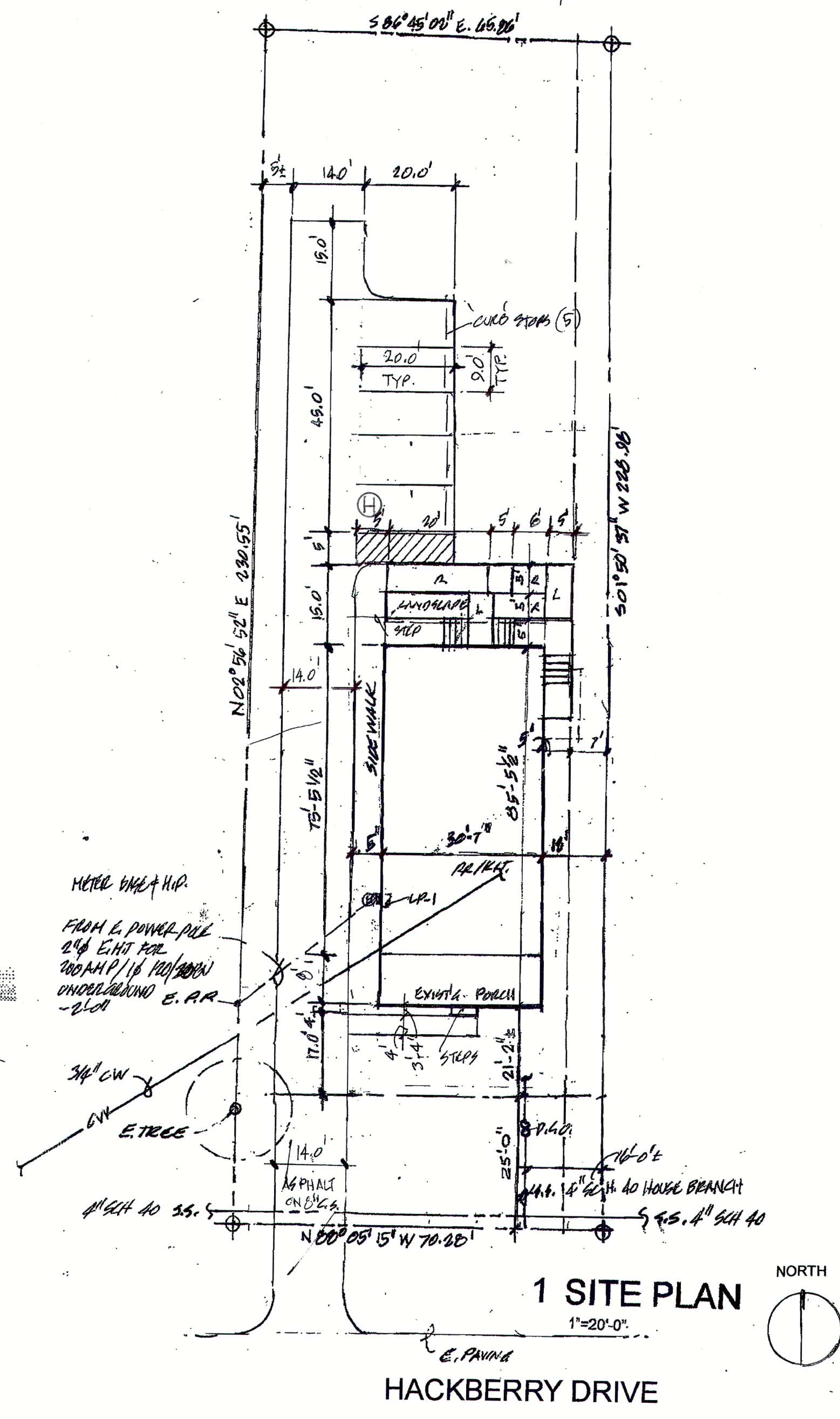
The Future Land Use Plan and Downtown Master Plan should not be viewed as a parcel-based map. The proposed zoning request involves the conversion of a former home to a small business which is in alignment of the Adaptive Reuse/Infill designation.

REVISIONS
5/4/2023
5/6/2023

ITEM	TOTAL
GENERAL SITE DATA	
CURRENT ZONING	C-1
LOT AREA (SF & ACRES)	.359 Acres
BUILDING FOOTPRINT AREA (SF)	3,204 SF
BUILDING HEIGHT (# STORIES)	1
LOT COVERAGE (%)	20 %
PARKING	/
PARKING RATIO	3 Spaces Per 1,000 SF GFA
REQUIRED PARKING (# SPACES)	5
PROVIDED PARKING (# SPACES)	5
ADA PARKING REQUIRED (# SPACES)	1
ADA PARKING PROVIDED (# SPACES)	1
LANDSCAPE AREA	
REQUIRED INTERNAL LANDSCAPE (SF = 8 SF PER PARKING SPACE)	40 SF
ADDITIONAL LANDSCAPE AREA PROVIDED (SF)	12,846 SF
TOTAL LANDSCAPE AREA	12,886 SF



1.1 AREA PLAN
1"=1200'-0"
SEE 1/SD1 PREVIOUSLY SUBMITTED
FOR SURVEY/PLAT OF THIS SITE



PLANT SCHEDULE

PLANT R.O.	NUMBER	DESCRIPTION	REMARKS
	2	3" CALIPER RED OAK	DIG BED TO DEPTH OF FLARE AND TAPPER TO EDGE OF HOLE DOWN 6" AND STAKE W/ 3 STAKES MIN.
F.S.	3	TRANSPLANTED SCRUB	RELOCATE FROM ORIGINAL SITE AND STAKE W/ 3 STAKE MIN.
SOD	SEED	COASTAL BERMUDA	CLEAR SITE OF OBSTACLES. LEVEL AND LIGHTLY SCARIFY

ALL WORK WILL CONFROM TO TEXAS NURSERYMEN'S STANDARDS

EXHIBIT A

SITE PLAN
**J. A. GREER
ADDITION**
LOT 1, BLOCK A
0.359 ACRE IN THE
HENRY BRANTLEY SURVEY, ABSTRACT NO. 71,
CITY OF ANNA, COLLIN COUNTY, TEXAS
NOVEMBER 17, 2021
1 SF-1 RESIDENTIAL LOT

120 HACKBERRY STREET
ANNA, TEXAS 75409

JAMES WEST, ARCHITECT
P.O. BOX 808
MCKINNEY, TEXAS 75070
972.562.3301
jw@75070.com



SD2

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: J.A. Greer Add. Total Number of Acres: 0.4 +/-
Zoning Classification(s): SF-1 Total Number of Lots: 1
Location: Located on the north side of Hackberry Drive, 325 +/- feet east of W. Powell Parkway.

Property Owner Information & Authorization

Name/Company: Joe A. Greer, Jr.
Address: P.O. Box 272
City: ANNA State: TX Zip Code: 75409
Phone: 972-924-3260 Email: joeandbecky1984@att.net

Project Representation (check one):

- ☒ I will represent the application myself; OR
☐ I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: Joe A. Greer Jr. Date: 6-1-23
STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Joe A. Greer Jr.
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 1 day of June, 20 23



Heather Knighton
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 26.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Salena Tittle

AGENDA ITEM:

Consider/Discuss/Action on the J.A. Greer Addition, Block A, Lot 1, Site Plan. Applicant: Joe A. Greer, Jr.

SUMMARY:

General office on one lot on 0.4± acre located on the north side of Hackberry Drive, 320± feet east of N. Powell Parkway.

This Site Plan is associated with the zoning case and is contingent upon approval of the zoning case.

The purpose of the Site Plan is to show the related site improvements associated with the proposed general office development. The Site Plan complies with the Planning and Development regulations as requested by the zoning case.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

If the rezoning request is recommended for approval, Site Plan approval shall be subject to City Council approval of the zoning request.

ATTACHMENTS:

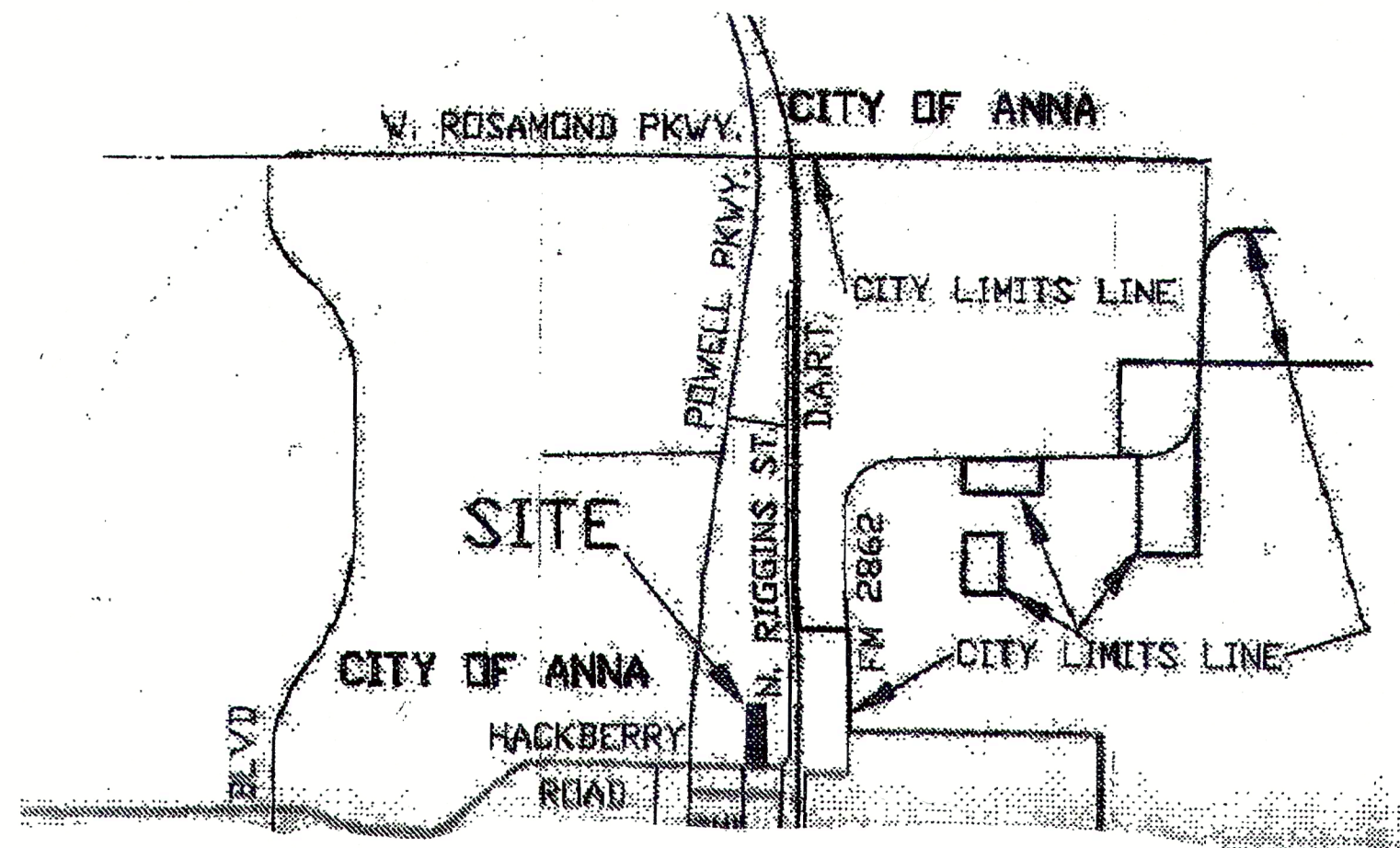
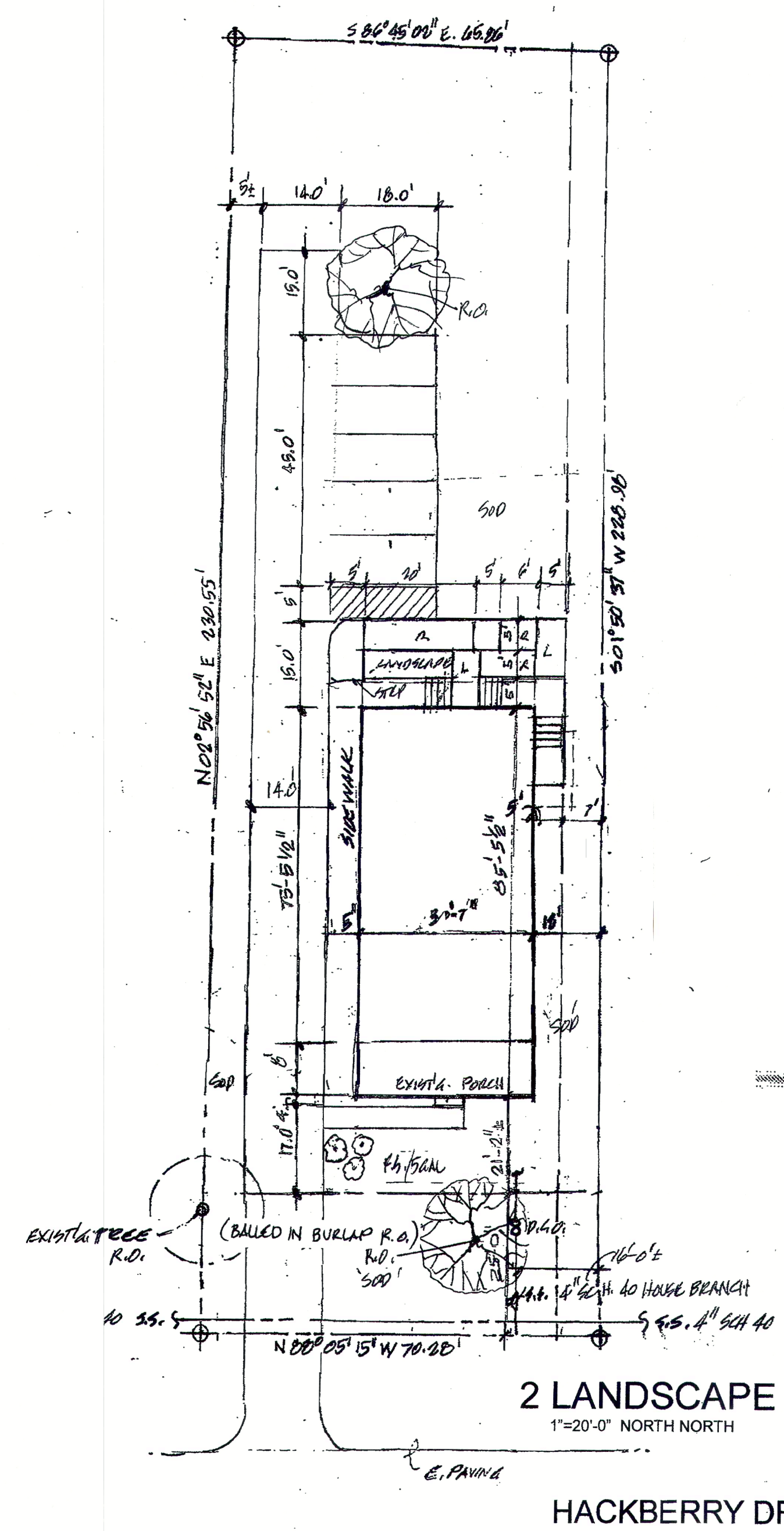
1. J.A. Greer Addition, Block A, Lot 1 Site Plan Locator Map
2. Exhibit A - (SP) J.A. Greer Addition, Block A, Lot 1
3. P&Z Application

Site Plan - J.A. Greer Addition, Block A, Lot 1

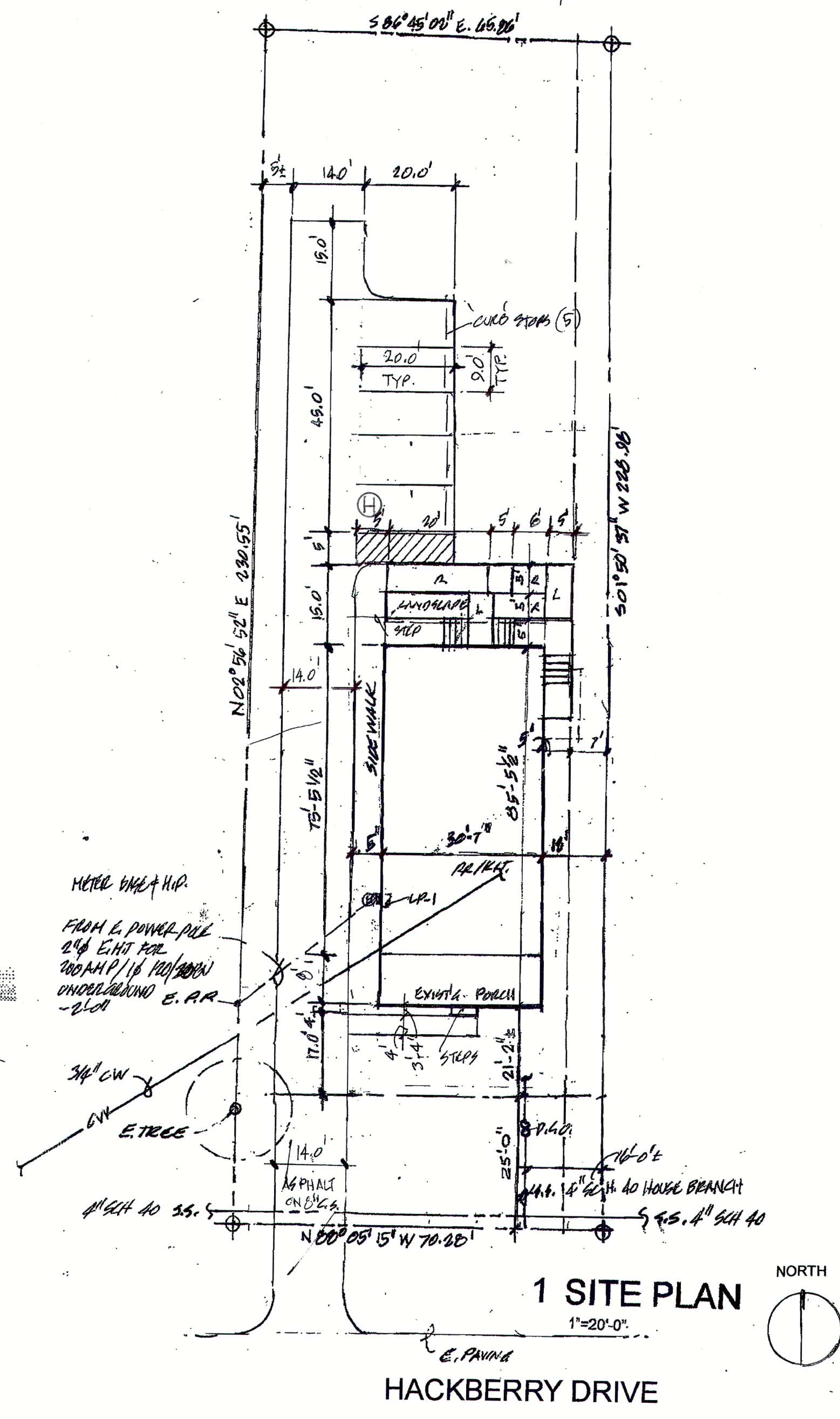


REVISIONS
5/4/2023
5/6/2023

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I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

Property Owner's Signature: Joe A. Greer Jr. Date: 6-1-23
STATE OF: Texas

COUNTY OF: Collin

BEFORE ME, a Notary Public, on this day personally appeared Joe A. Greer Jr.
(printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 1 day of June, 20 23



Heather Knighton
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Development Services

120 W Seventh Street • Anna, TX 75049 • 972.924.2616 • www.annatexas.gov



Item No. 27.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Lauren Mecke

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to rezone one lot on 3.0± acres located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail to allow for a Communications Tower. Applicant: Centurion American.

SUMMARY:

The applicant is proposing to construct a commercial communications tower designed as a 90-foot stealth water tower. The proposed stealth water tower enclosure and associated equipment will be accessed from future Rosemond Parkway and located 60 feet from the right-of-way limits.

A site plan (Exhibit A), Villages of Hurricane Creek - North, Block K, Lot 7X, accompanies this request.

Surrounding Land Use and Zoning

North On the north side of future Rosamond Parkway, single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)

East Single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)

South Future common area lot. Zoned Planned Development (Ord. No. 886-2020)

West On the west side of N. Shadybrook Trail, future single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)

Proposed Planned Development Stipulations

The requested zoning amendment is to allow for a commercial communications tower with modified development standards. There are two primary parts to this request: land use and design standards.

Land Use – The applicant is proposing to construct a commercial communications tower on one of the common area lots located within Villages of Hurricane Creek, North, Phase 2. The City of Anna Zoning Ordinance currently prohibits commercial Radio, television, or microwave communications within the residential zoning districts other than within the Agricultural District.

Design Standards - The language in the proposed Planned Development (PD) amendment would allow for modified development standards associated with the commercial communications tower.

Height and area regulations – Sec. 9.04.033 (Special Uses) of the Zoning Ordinance has a maximum height of 65 feet including mast and antennas, measured from the

ground in residential zoning districts.

- The applicant is proposing a 90-foot stealth commercial communications tower, with the appearance of a water tower and as an entry feature into the community.

Setback - Sec. 9.04.033 (Special Uses) of the Zoning Ordinance requires a minimum setback for towers, including mast and antennas, in excess of 30 feet in residential districts of not less than the height of the tower including mast and antennas minus 30 feet from the nearest property line.

- With a 90-foot tower, the minimum setback from property lines is 60 feet. The regulation does not distinguish setbacks between the tower and the accessory equipment.
 - o The proposed tower meets the 60-foot setback from all property lines. The associated screened equipment yard is proposed to be 22 feet from the southern property line.
 - o The property to the south is also a common area lot in the future Villages of Hurricane Creek, Phase 3, subdivision which is part of the overall same master planned development.

Residential adjacency - Sec. 9.04.033 (Special Uses) of the Zoning Ordinance does not discuss a distance separation from residential properties for a commercial communications tower located within a residential district. Within the specific requirements for towers located in nonresidential districts, it states:

The minimum distance to a residential property line (measured from any point on the tower) shall be two times the total height of the tower (including any mast or antennas).

- When overlaying the proposed site plan with the previously approved Revised Preliminary Plat for the Villages of Hurricane Creek and the Final Plats for the Villages of Hurricane Creek, North, the minimum distance for the tower would be more than 140 feet to the nearest residential lot line. The minimum distance of the accessory equipment yard would be 80 feet.
- As part of the zoning request the developer is proposing a stipulation that will maintain the existing stand of trees in between the tower and future residential lots.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

If the Commission votes in favor of the zoning request, below are recommended restrictions to place on the Planned Development zoning:

Restrictions:

1. The location of the commercial Radio, television, or microwave communications operation (commercial communications tower) shall be in substantial conformance with the Site Plan (Exhibit A).
2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the Planned Development (Ord. No. 931-2021) zoning district and the Planning and Development Regulations except as otherwise specified herein.
 - a. Commercial Communications Towers:
 - i. Maximum height: 90 feet including mast and antennas, measured from the ground.
 - ii. Minimum front yard setback: 60 feet
 - iii. Minimum setback from the southern property line: 20 feet
 - iv. Minimum residential adjacency separation:
 1. Tower: 140 feet
 2. Accessory equipment: 80 feet
 - v. Design: The commercial communication towers shall utilize a stealth design and screening elements in substantial conformance with the Site Plan.
 - b. Landscaping:
 - i. The existing stand of trees located to the east and south of the proposed commercial communication tower enclosure shall be preserved.
 - ii. Landscaping and enclosure screening shall be in substantial conformance as shown on the Site Plan (Exhibit A).

ATTACHMENTS:

1. Communications Tower Zoning Amendment Request Locator Map
2. PZ - STAFF REPORT (Zoning) - Villages of Hurricane Creek Communications Tower
3. Exhibit A (SP) VHCN, Block K, Lot 7X
4. Application

Communications Tower Zoning Amendment Request



CITY OF ANNA
PLANNING & ZONING COMMISSION

July 6, 2023

Zoning Amendment & Site Plan: Villages of Hurricane Creek Communications Tower

Applicant: Centurion American

DESCRIPTION:

Conduct a Public Hearing/Consider/Discuss/Action on a request to amend a planned development (Ord. No. 931-2021) to allow a commercial Radio, television, or microwave communications operation (commercial communications tower) with modified standards on Villages of Hurricane Creek, North, Phase 2, Block K, Lot 7X on 3.0± acres located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail. Applicant: Centurion American.

REMARKS:

The applicant is proposing to construct a commercial communications tower designed as a 90-foot stealth water tower. The proposed stealth water tower enclosure and associated equipment will be accessed from future Rosemond Parkway and located 60 feet from the right-of-way limits.

A site plan (Exhibit A) for the communications tower accompanies this request.

Surrounding Land Use and Zoning

North	On the north side of future Rosamond Parkway, single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)
East	Single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)
South	Future common area lot. Zoned Planned Development (Ord. No. 886-2020)
West	On the west side of N. Shadybrook Trail, future single-family residences, detached. Zoned Planned Development (Ord. No. 931-2021)

Proposed Planned Development Stipulations

The requested zoning amendment is to allow for a commercial communications tower with modified development standards. There are two primary parts to this request: land use and design standards.

Land Use – The applicant is proposing to construct a commercial communications tower on one of the common area lots located within Villages of Hurricane Creek, North, Phase 2. The City of Anna Zoning Ordinance currently prohibits commercial Radio, television, or microwave communications within the residential zoning districts other than within the Agricultural District.

Design Standards - The language in the proposed Planned Development (PD) amendment would allow for modified development standards associated with the commercial communications tower.

Height and area regulations – Sec. 9.04.033 (Special Uses) of the Zoning Ordinance has a maximum height of 65 feet including mast and antennas, measured from the ground in residential zoning districts.

- The applicant is proposing a 90-foot stealth commercial communications tower, with the appearance of a water tower and as an entry feature into the community.

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 - The proposed tower meets the 60-foot setback from all property lines. The associated screened, equipment yard is proposed to be 22 feet from the southern property line.
 - The property to the south is also a common area lot in the future Villages of Hurricane Creek, Phase 3, subdivision which is part of the overall same master planned development.

Residential adjacency - Sec. 9.04.033 (Special Uses) of the Zoning Ordinance does not discuss a distance separation from residential properties for a commercial communications tower located within a residential district. Within the specific requirements for towers located in nonresidential districts, it states:

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- When overlaying the proposed site plan with the previously approved Revised Preliminary Plat for the Villages of Hurricane Creek and the Final Plats for the Villages of Hurricane Creek, North, the minimum distance for the tower would be

more than 140 feet to the nearest residential lot line. The minimum distance of the accessory equipment yard would be 80 feet.

- As part of the zoning request the developer is proposing a stipulation that will maintain the existing stand of trees in between the tower and future residential lots.

RECOMMENDATION:

If the Commission votes in favor of the zoning request, below are recommended restrictions to place on the Planned Development zoning:

Restrictions:

1. The location of the commercial Radio, television, or microwave communications operation (commercial communications tower) shall be in substantial conformance with the Site Plan (Exhibit A).
2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the Planned Development (Ord. No. 931-2021) zoning district and the Planning and Development Regulations except as otherwise specified herein.

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- iv. Minimum residential adjacency separation:
 1. Tower: 140 feet
 2. Accessory equipment: 80 feet
- v. Design: The commercial communication towers shall utilize a stealth design and screening elements in substantial conformance with the Site Plan.

b. Landscaping:

- i. The existing stand of trees located to the east and south of the proposed commercial communication tower enclosure shall be preserved.

- ii. Landscaping and enclosure screening shall be in substantial conformance as shown on the Site Plan (Exhibit A).

NOTE:
SITE DESIGN IS BASED ON SURVEY BY 3DD&E, INC., DATED 06/06/23, AND NEW LAND DEVELOPMENT DRAWINGS BY PELOTON LAND SOLUTIONS, DATED 01/03/22, PLS PROJECT#: CEN18001

STEALTH TOWER DESIGN PENDING BY OTHERS.

STRUCTURAL ANALYSIS NOTE :
AN ANALYSIS OF THE TOWER OR STRUCTURE IS PENDING BY OTHERS

MOUNT ANALYSIS NOTE (PMI REQUIREMENTS):
IS PENDING BY OTHERS

NO EQUIPMENT TO BE INSTALLED ON THE MOUNT WITHOUT THE APPROVAL OF A STRUCTURAL ENGINEER.

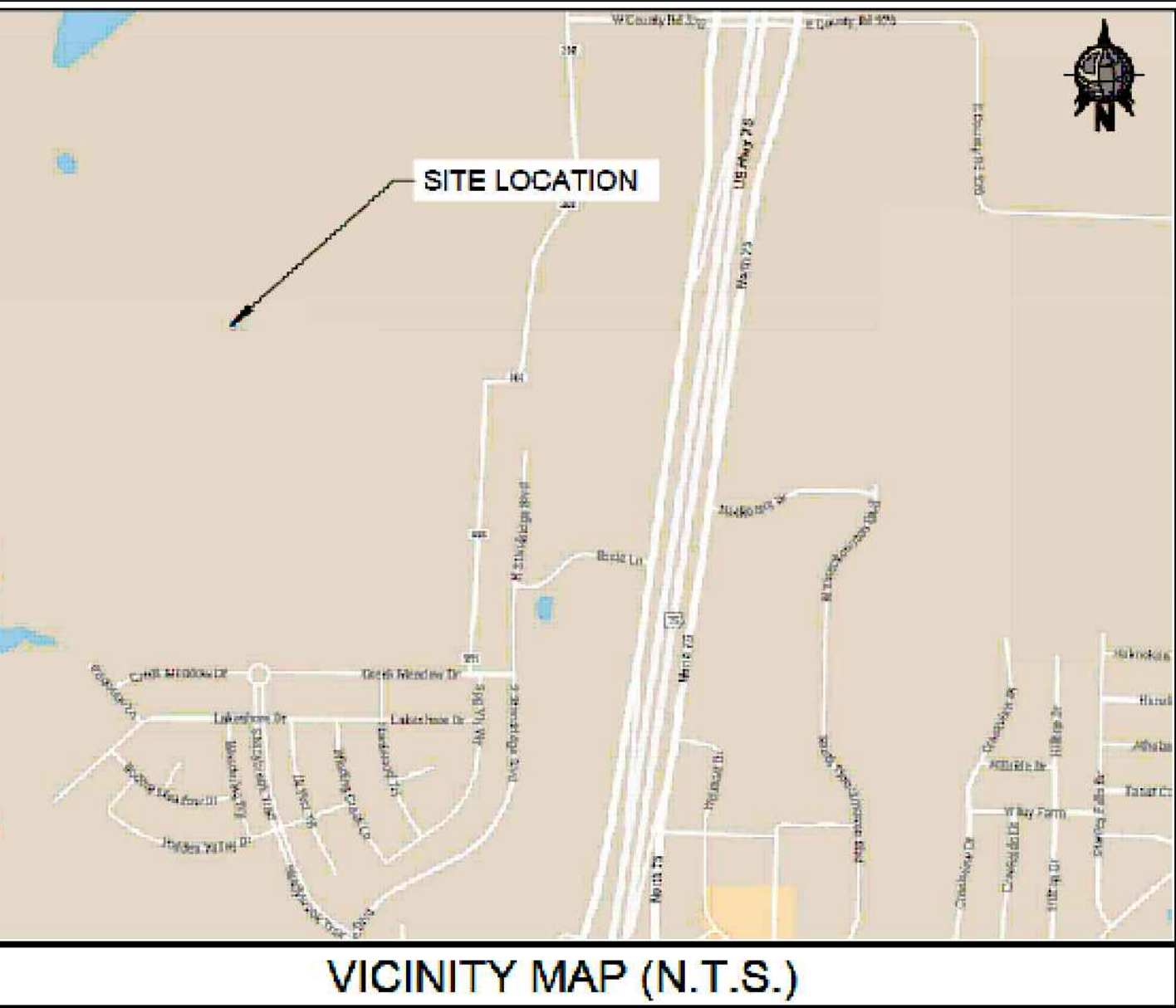
NOTE:
NEW ANTENNA PLACEMENT LOCATION TO BE FIELD VERIFIED BY GENERAL CONTRACTOR PRIOR TO CONSTRUCTION TO AVOID ANY INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS. IF INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS IS DISCOVERED DURING FIELD VERIFICATION. PLEASE CONTACT ALLPRO CONSULTING GROUP INC. FOR DESIGN REVISION PRIOR TO ANY NEW ANTENNA INSTALLATION.

FLOODPLAIN NOTE:
"ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48085C0155J DATED 6/2/2009 PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COLLIN COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE "X" 'AREA OF MINIMAL FLOOD HAZARD'.

NOTE:
ELEVATION PLAN IS MEANT TO DEPICT TOWER HEIGHT AND IS NOT TO BE USED FOR CONSTRUCTION. FOR CONSTRUCTION SEE TOWER DRAWINGS AND/OR STRUCTURAL ANALYSES PREPARED BY OTHERS

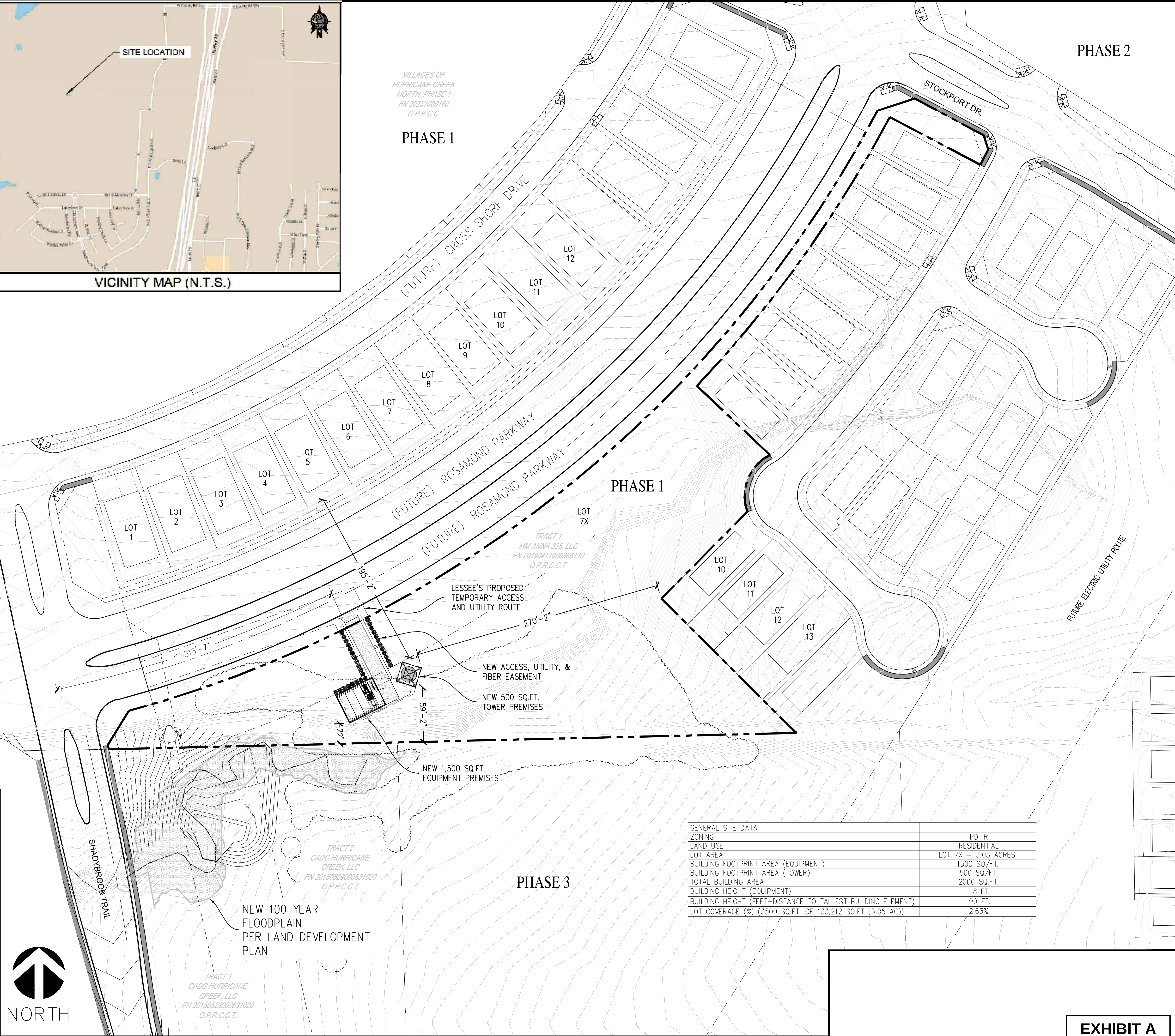
NOTE:
CLIMBERS SHOULD NOT LATCH OR TIE THEIR SUPPORT LANYARD OR GEAR ON TO ANTENNAS, RADIOS, ALL TYPES OF MOUNTS, ETC. UNLESS APPROVED BY THE ORIGINAL DESIGN ENGINEER. THEY SHOULD ONLY TIE TO THEIR SUPPORT LANYARDS OR GEAR TO OR ATTACH TO TOWER STRUCTURAL MEMBERS THAT HAVE VISIBLE BOLTING AND CONNECTION TO THE LARGER STRUCTURE.

NOTE:
THE LATEST ANTENNA DESIGN IS TO BE REFERENCED PRIOR TO TOWER WORK TO VERIFY THE LATEST EQUIPMENT IS ACCOUNTED FOR.

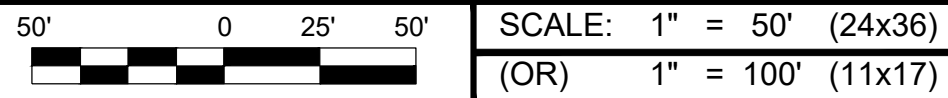


LEGEND	
NEW	PROPOSED
(E)	EXISTING
---	CENTER LINE
---	PROPERTY LINE
-X-	FENCE LINE
- - -	ROUTE LINE
OHP	OVERHEAD POWER
OHT	OVERHEAD TELCO
OHF	OVERHEAD FIBER
P	UNDERGROUND POWER CONDUIT
T	UNDERGROUND TELCO CONDUIT
F	UNDERGROUND FIBER CONDUIT
HYBRID	HYBRID CABLE
COAX	COAX CABLE
SF	SILT FENCE

OVERALL SITE PLAN



GENERAL SITE DATA	
ZONING	PD-R
LAND USE	RESIDENTIAL
LOT AREA	LOT 7X - 3.05 ACRES
BUILDING FOOTPRINT AREA (EQUIPMENT)	1500 SQ.FT.
BUILDING FOOTPRINT AREA (TOWER)	500 SQ.FT.
TOTAL BUILDING AREA	2000 SQ.FT.
BUILDING HEIGHT (EQUIPMENT)	8 FT.
BUILDING HEIGHT (FEET-DISTANCE TO TALLEST BUILDING ELEMENT)	90 FT.
LOT COVERAGE (%) (3500 SQ.FT. OF 133,212 SQ.FT (3.05 AC))	2.63%



5944 LUTHER LANE, SUITE 725
DALLAS, TX 75225



600 HIDDEN RIDGE
IRVING, TX 75038



9221 Lyndon B Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893 Fax: 866-364-8375
www.allprocgi.com
Registration No. 8242

ACGI NO: 23-0434, 23-1873

DRAWN BY: CG

CHECKED BY: SZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	6/12/23	ZONING REVIEW	CG
1	6/26/23	REVISED PER ZONING COMMENTS	CG
2	6/28/23	REVISED PER ZONING COMMENTS	CG

FOR ZONING
REVIEW ONLY

NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

SITE NAME:
HURRICANE CREEK
NEW 90'-0" STEALTH
TELECOMMUNICATION
STRUCTURE

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:

Z-1

PLAN TYPE:
SITE PLAN

PROJECT NAME:
VILLAGES OF
HURRICANE CREEK, NORTH
BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
ABSTRACT No. 105

6/28/2023

NOTE:
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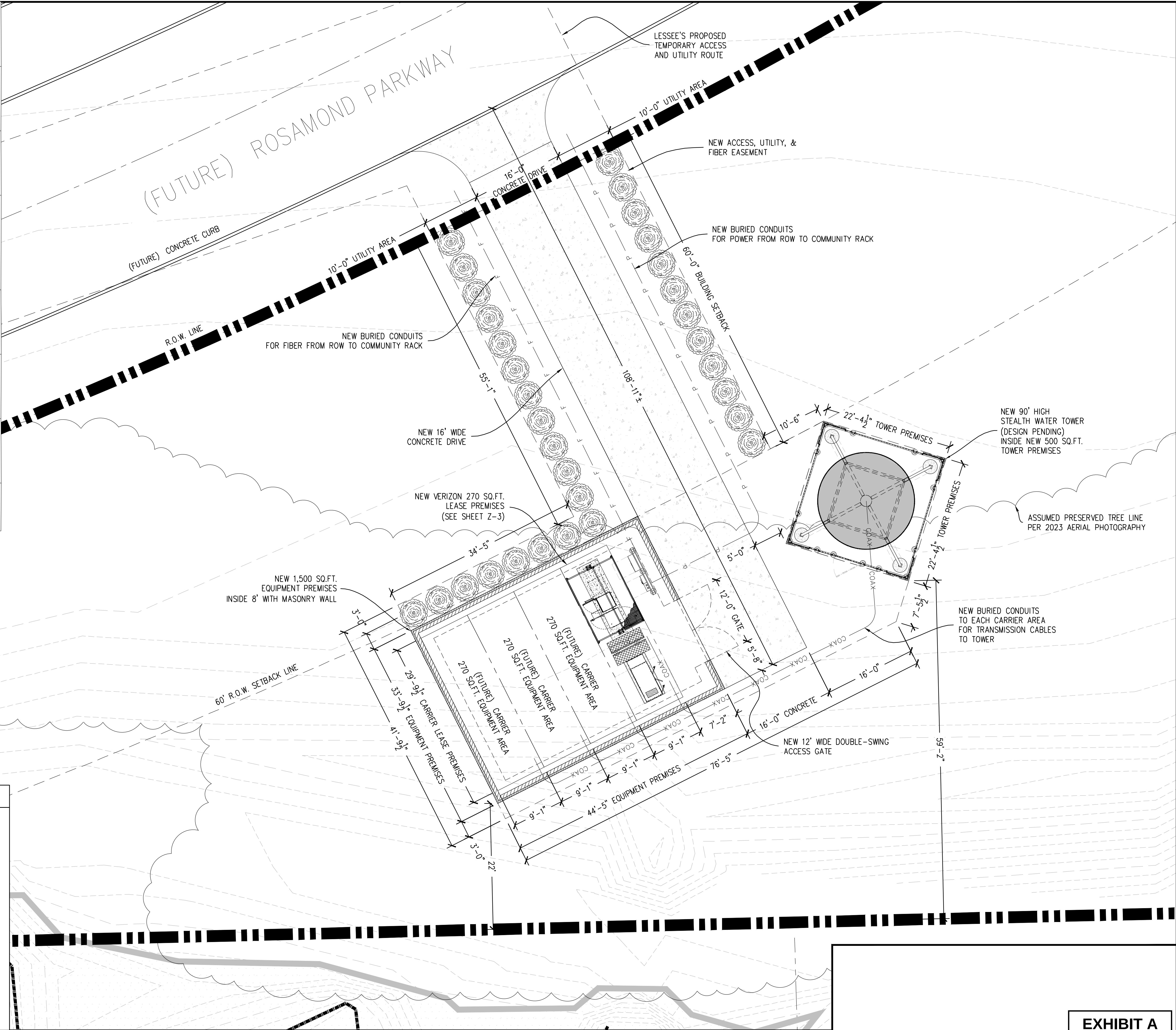
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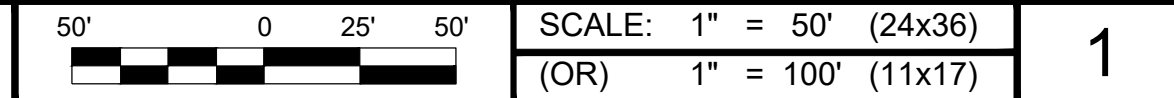
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---	PROPERTY LINE
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----	ROUTE LINE
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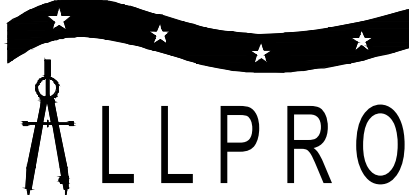
ENLARGED SITE PLAN



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DALLAS, TX 75225



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IRVING, TX 75038



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Phone: 972-231-8893 Fax: 866-364-8375
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DRAWN BY: CG

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REVISIONS			
REV	DATE	DESCRIPTION	BY
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FOR ZONING
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SITE NAME:
HURRICANE CREEK
NEW 90'-0" STEALTH
TELECOMMUNICATION
STRUCTURE

SHEET TITLE:
ENLARGED
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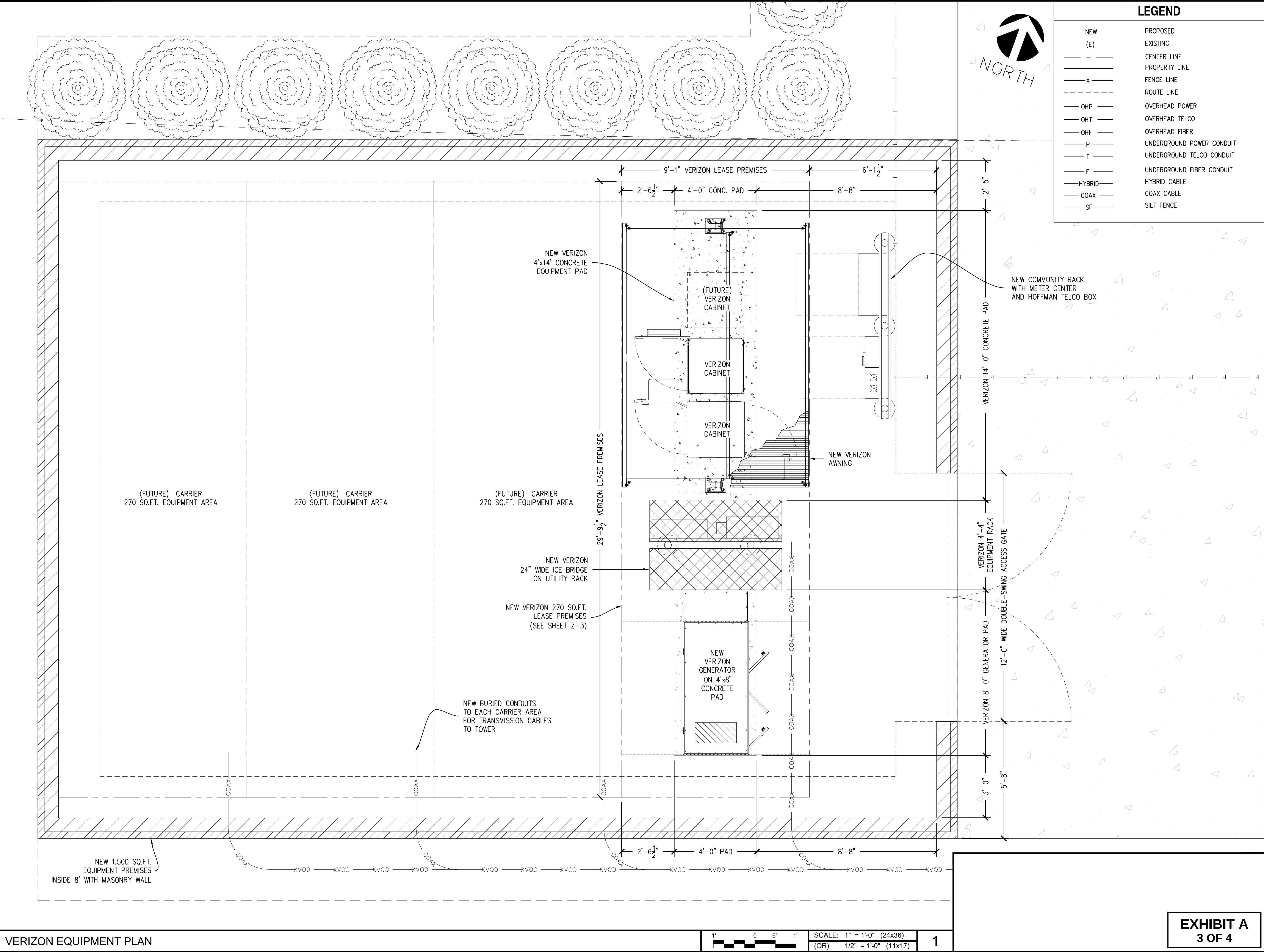
SHEET NUMBER:

Z-2

PLAN TYPE:
SITE PLAN

PROJECT NAME:
VILLAGES OF
HURRICANE CREEK, NORTH
BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
ABSTRACT No. 105

6/28/2023



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SITE NAME:
HURRICANE CREEK

NEW 90'-0" STEALTH TELECOMMUNICATION STRUCTURE

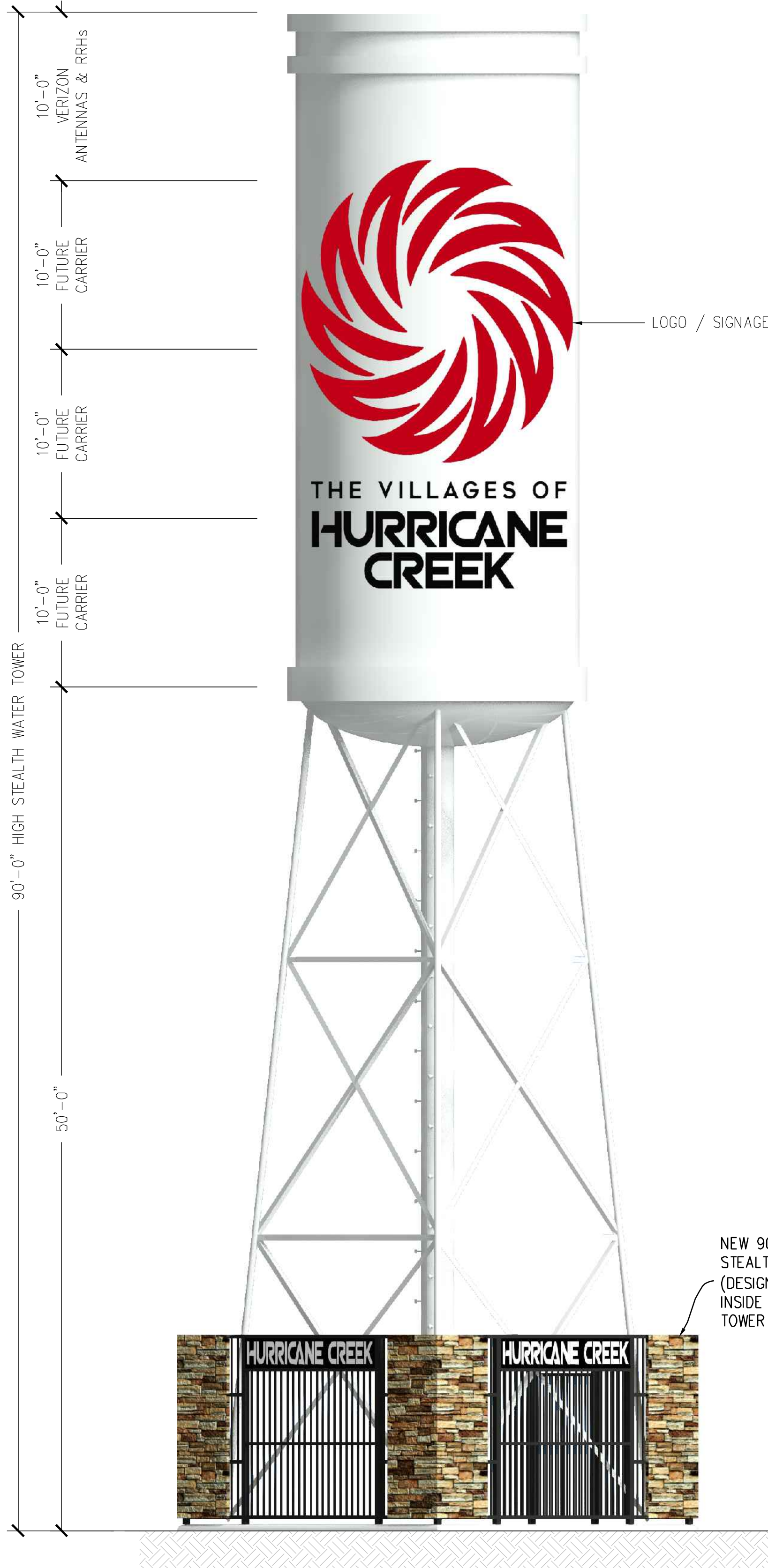
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ENLARGED SITE PLAN

SHEET NUMBER:
Z-3

PLAN TYPE:
SITE PLAN

PROJECT NAME:
**VILLAGES OF HURRICANE CREEK, NORTH BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
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6/28/2023



NEW 90' HIGH
STEALTH WATER TOWER
(DESIGN PENDING)
INSIDE NEW 500 SQ.FT.
TOWER PREMISES

NEW 1,500 SQ.FT.
EQUIPMENT PREMISES
INSIDE 8' WITH MASONRY WALL



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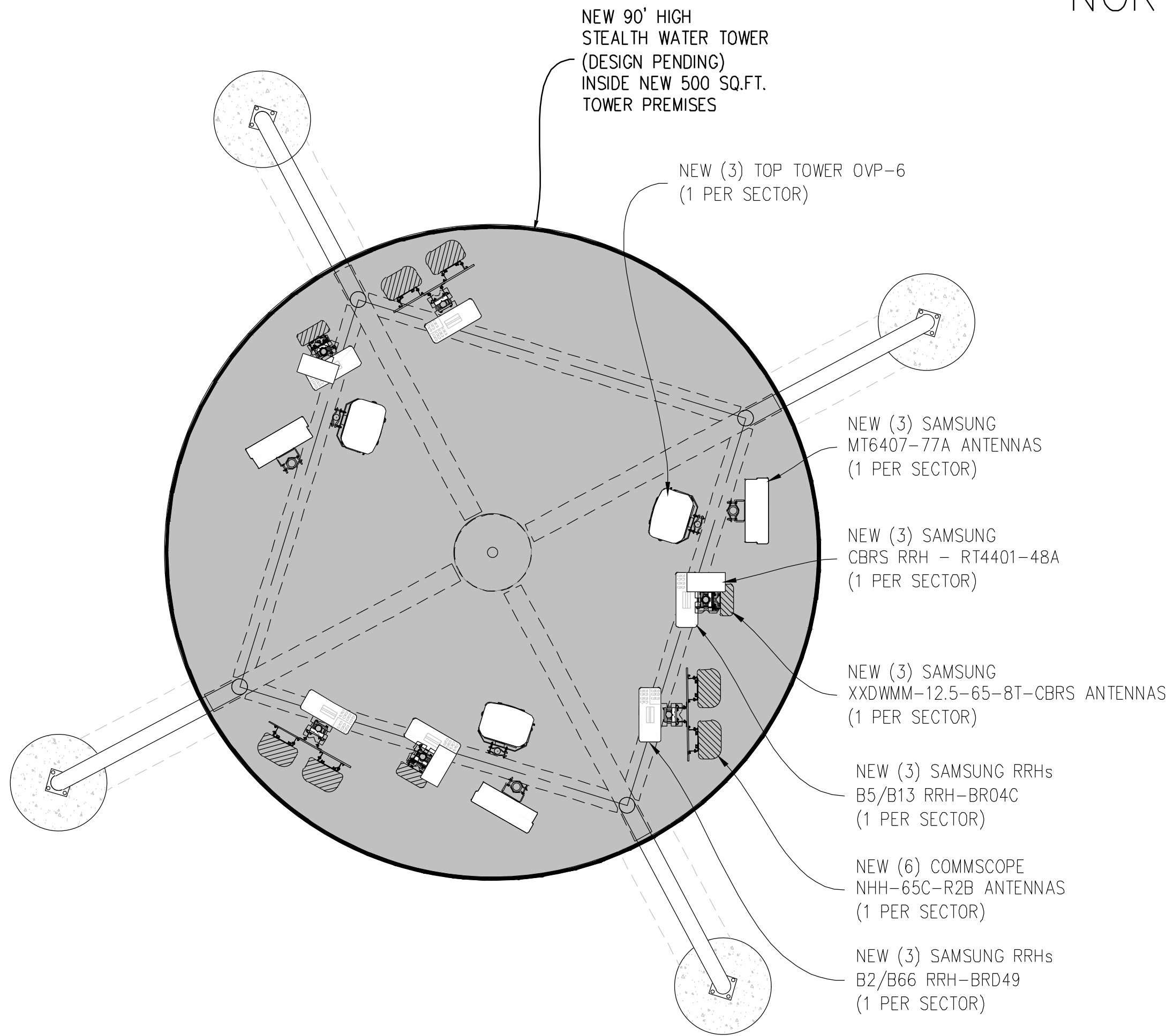
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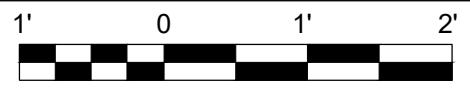
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VERIZON - ANTENNA PLAN @ 85' RAD CENTER



SCALE: 3/4" = 1'-0" (24x36)
(OR) 3/8" = 1'-0" (11x17)

1

VERIZON EQUIPMENT PLAN



SCALE: 1" = 1'-0" (24x36)
(OR) 1/2" = 1'-0" (11x17)

1

EXHIBIT A
4 OF 4



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TELECOMMUNICATION
STRUCTURE

SHEET TITLE:
**ENLARGED
SITE PLAN**

SHEET NUMBER:
Z-4

PLAN TYPE:
SITE PLAN

PROJECT NAME:

**VILLAGES OF
HURRICANE CREEK, NORTH
BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
ABSTRACT No. 105**

6/28/2023

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Hurricane Creek Total Number of Acres: 0.05739
Zoning Classification(s): PD-R Total Number of Lots: 1
Location: 100 Roseway St. Anna TX 75409 / Lat: 33.357667 Long: -96.594459

Property Owner Information & Authorization

Name/Company: Trevor Kollinger - Centurion American
Address: 1800 Valley View Lane, Suite 300
City: Farmers Branch State: TX Zip Code: 75234
Phone: 214-728-8383 Email: trevor@centurionamerican.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate C.A. Bass, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

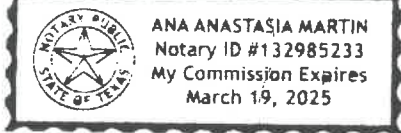
Property Owner's Signature: Mehrdad Moayedi Date: 12/8/22

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Mehrdad Moayedi (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 8 day of December, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☒ Preparer ☐ Other (specify): _____
Name: Lisa Smith
Company: C.A. Bass, LLC
Address: 11710 FM 2661
City: Tyler State: TX Zip Code: 75709
Phone: (903)596-8464 Email: permitting@cabass.net

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 28.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Lauren Mecke

AGENDA ITEM:

Consider/Discuss/Action on the Villages of Hurricane Creek - North, Block K, Lot 7X, Site Plan. Applicant: Centurion American.

SUMMARY:

Communications tower on one lot on 3.0± acres located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail. Zoned: Planned Development (Ord. No. 932-2021).

The purpose of the Site Plan is to show the proposed communications tower site improvements.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Unique.

STAFF RECOMMENDATIONS:

If the zoning case is recommended for approval, the Site Plan is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is recommended for approval subject to City Council approval of the zoning request and additions and/or alterations to the engineering plans as required by the Public Works Department.

ATTACHMENTS:

1. Villages of Hurricane Creek - North, Block K, Lot 7X Locator Map
2. Exhibit A (SP) VHCN, Block K, Lot 7X
3. Application

Site Plan - Villages of Hurricane Creek - North, Block K, Lot 7X



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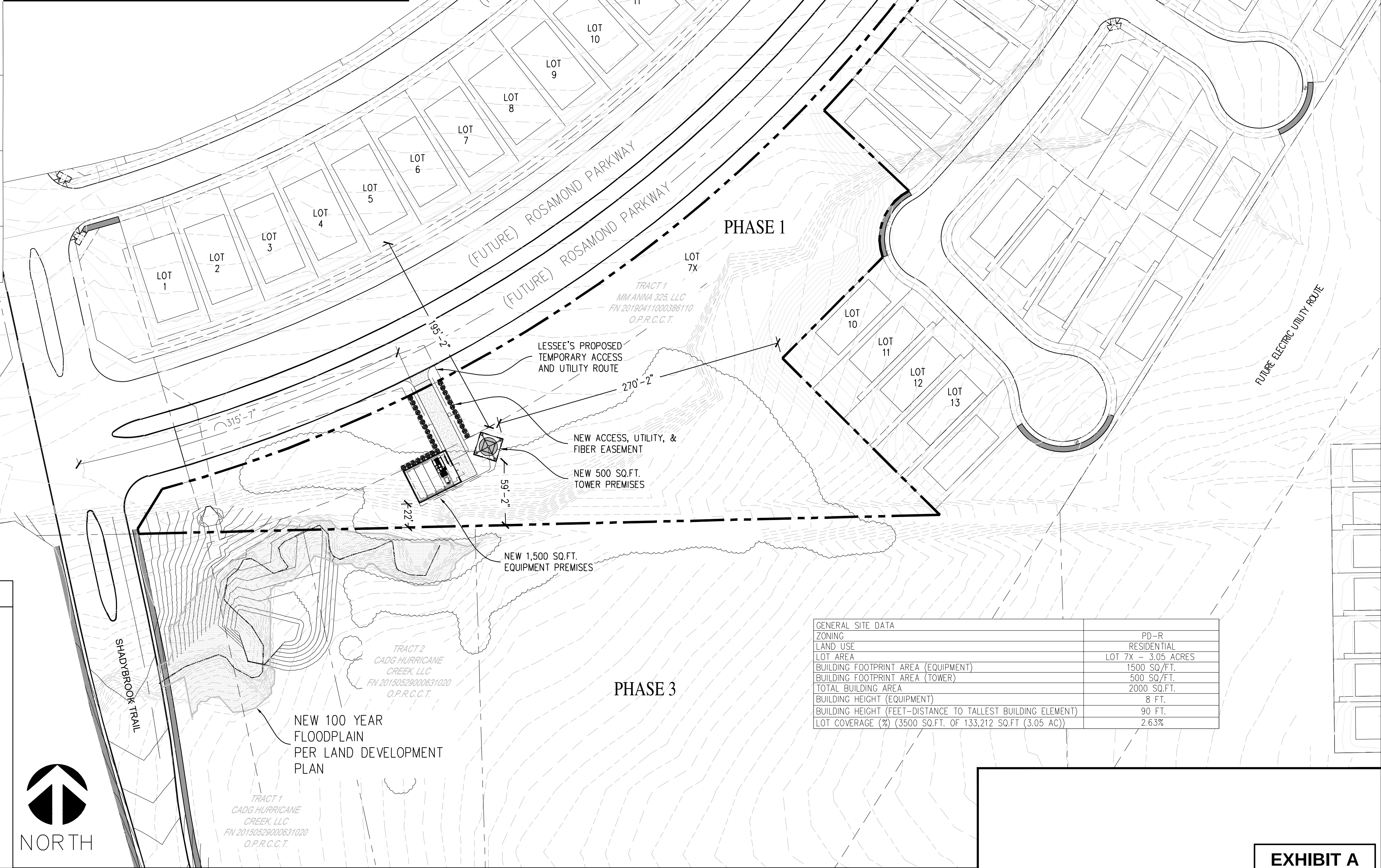
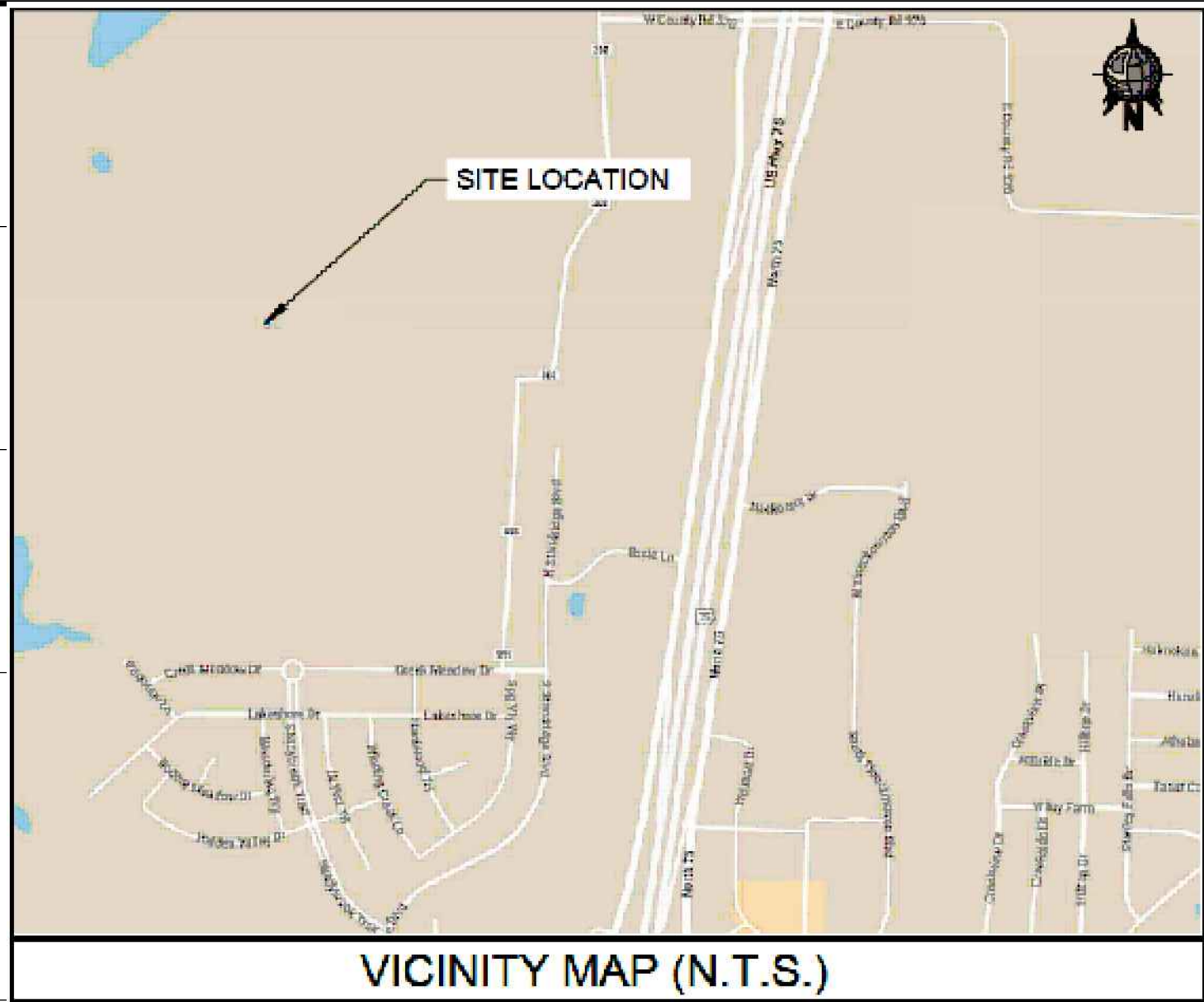
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F	UNDERGROUND FIBER CONDUIT
HYBRID	HYBRID CABLE
COAX	COAX CABLE
SF	SILT FENCE

OVERALL SITE PLAN



GENERAL SITE DATA	
ZONING	PD-R
LAND USE	RESIDENTIAL
LOT AREA	LOT 7X - 3.05 ACRES
BUILDING FOOTPRINT AREA (EQUIPMENT)	1500 SQ.FT.
BUILDING FOOTPRINT AREA (TOWER)	500 SQ.FT.
TOTAL BUILDING AREA	2000 SQ.FT.
BUILDING HEIGHT (EQUIPMENT)	8 FT.
BUILDING HEIGHT (FEET-DISTANCE TO TALLEST BUILDING ELEMENT)	90 FT.
LOT COVERAGE (%) (3500 SQ.FT. OF 133,212 SQ.FT (3.05 AC))	2.63%

50'	0	25'	50'
SCALE: 1" = 50' (24x36)			
(OR) 1" = 100' (11x17)			

1

EXHIBIT A
1 OF 4



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NEW 90'-0" STEALTH
TELECOMMUNICATION
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SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:

Z-1

PLAN TYPE:
SITE PLAN

PROJECT NAME:
VILLAGES OF
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BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
ABSTRACT No. 105

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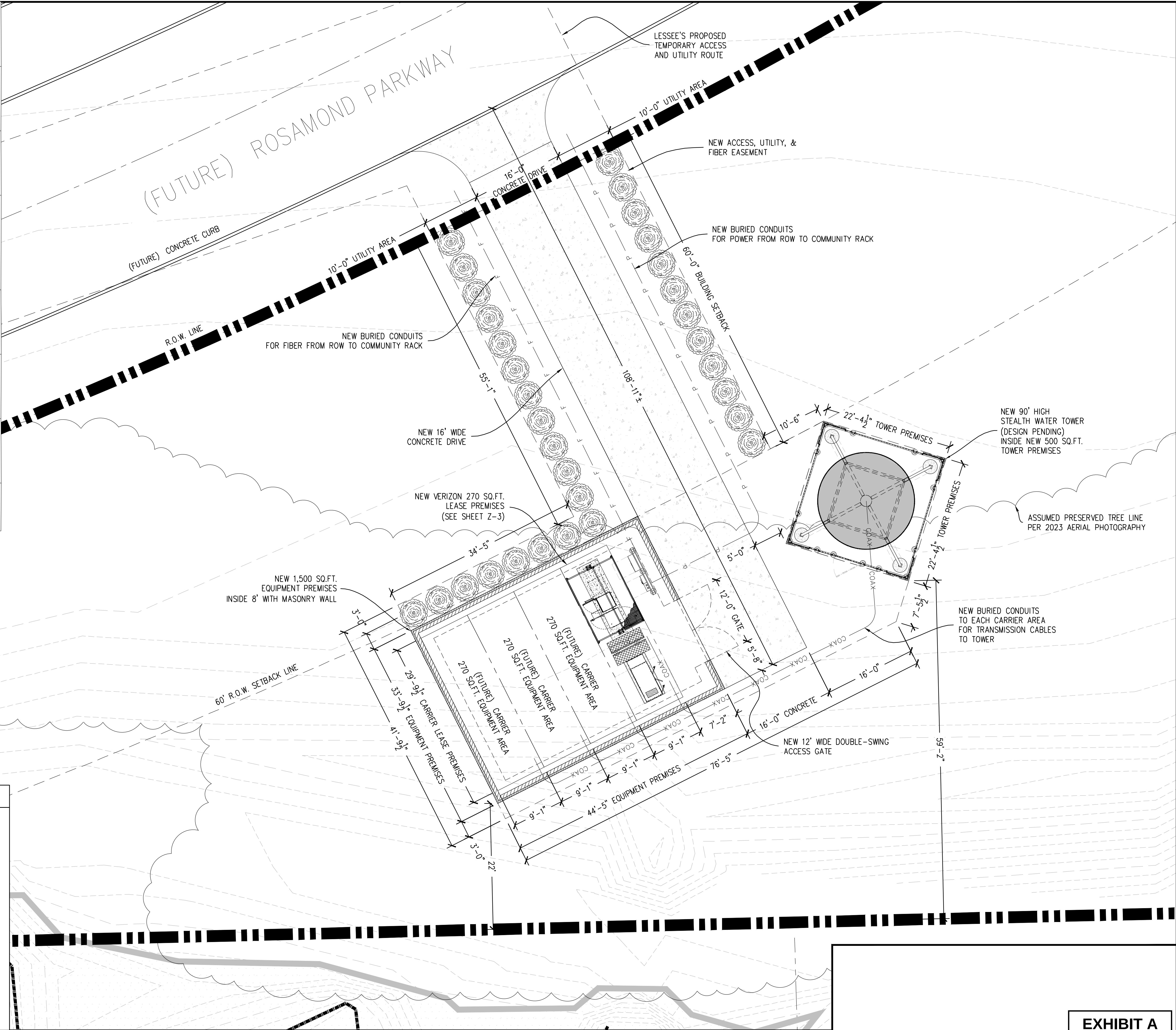
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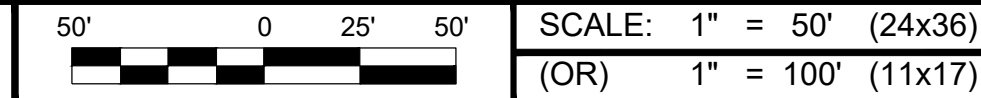
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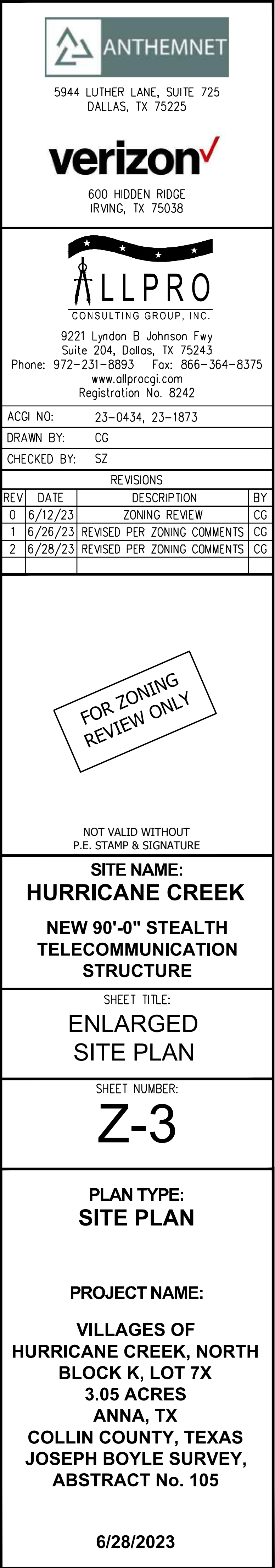
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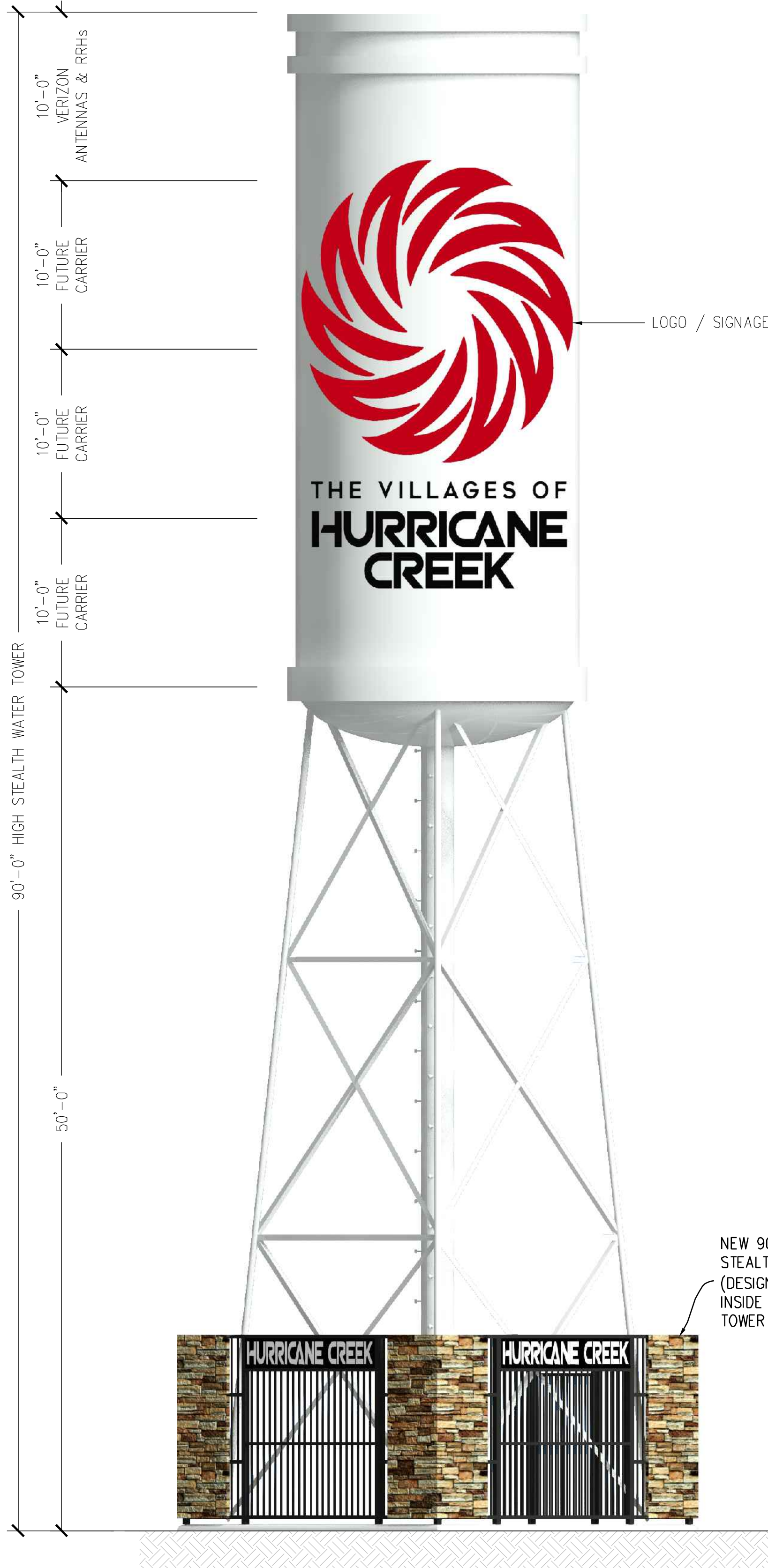
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PROJECT NAME:
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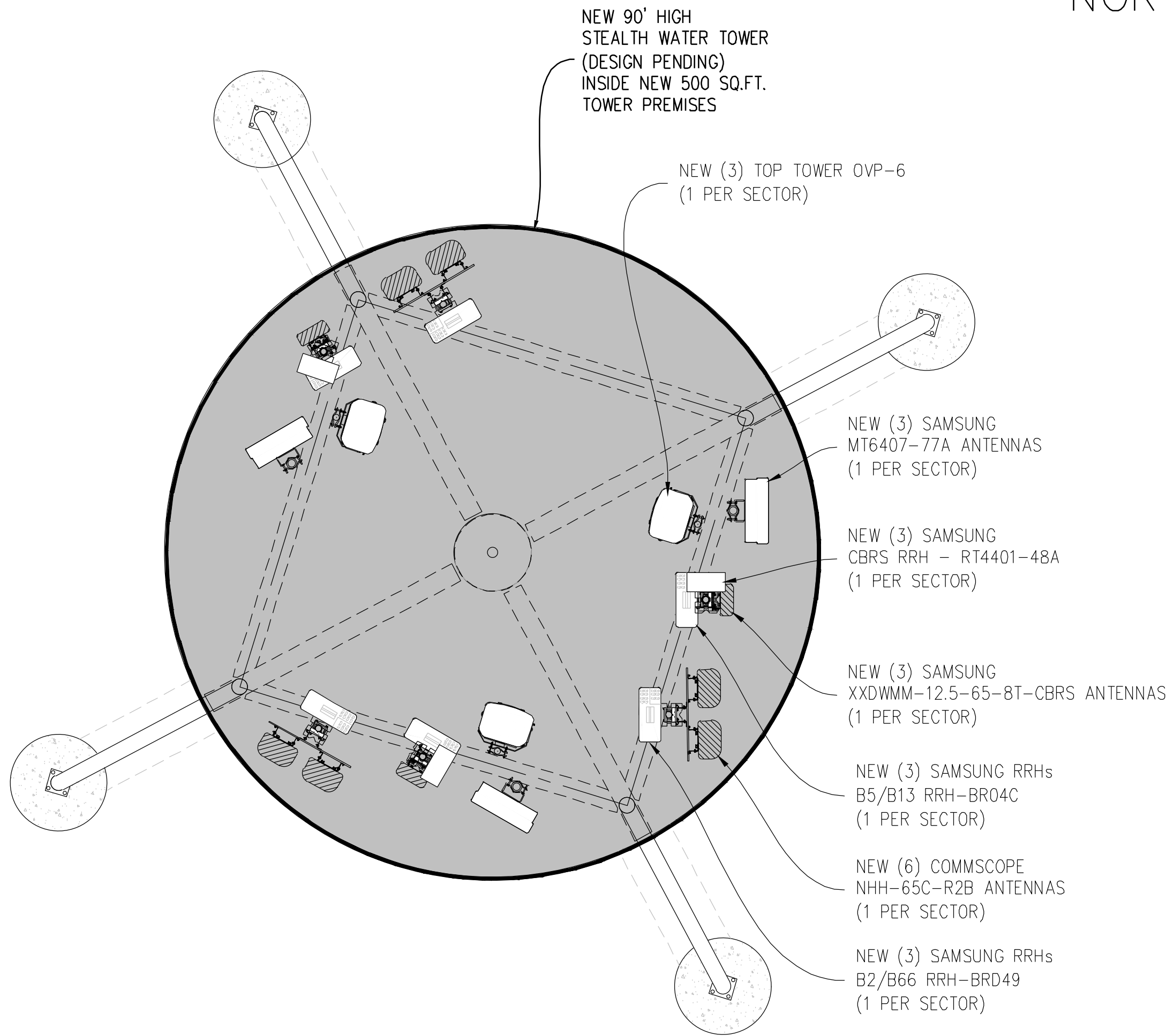
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(DESIGN PENDING)
INSIDE NEW 500 SQ.FT.
TOWER PREMISES

NEW 1,500 SQ.FT.
EQUIPMENT PREMISES
INSIDE 8' WITH MASONRY WALL



VERIZON - ANTENNA PLAN @ 85' RAD CENTER



SCALE: 3/4" = 1'-0" (24x36)
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1

VERIZON EQUIPMENT PLAN



SCALE: 1" = 1'-0" (24x36)
(OR) 1/2" = 1'-0" (11x17)

1

EXHIBIT A
4 OF 4



5944 LUTHER LANE, SUITE 725
DALLAS, TX 75225



600 HIDDEN RIDGE
IRVING, TX 75038



9221 Lyndon B Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893 Fax: 866-364-8375
www.allprocgi.com
Registration No. 8242

ACGI NO: 23-0434, 23-1873

DRAWN BY: CG

CHECKED BY: SZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	6/12/23	ZONING REVIEW	CG
1	6/26/23	REVISED PER ZONING COMMENTS	CG
2	6/28/23	REVISED PER ZONING COMMENTS	CG

FOR ZONING
REVIEW ONLY

NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

SITE NAME:
HURRICANE CREEK
NEW 90'-0" STEALTH
TELECOMMUNICATION
STRUCTURE

SHEET TITLE:
ENLARGED
SITE PLAN

SHEET NUMBER:
Z-4

PLAN TYPE:
SITE PLAN

PROJECT NAME:
VILLAGES OF
HURRICANE CREEK, NORTH
BLOCK K, LOT 7X
3.05 ACRES
ANNA, TX
COLLIN COUNTY, TEXAS
JOSEPH BOYLE SURVEY,
ABSTRACT No. 105

6/28/2023

Owner Authorization and Representative Designation

THE CITY OF
Anna

Property Description

Subdivision: Hurricane Creek Total Number of Acres: 0.05739
Zoning Classification(s): PD-R Total Number of Lots: 1
Location: 100 Roseway St. Anna TX 75409 / Lat: 33.357667 Long: -96.594459

Property Owner Information & Authorization

Name/Company: Trevor Kollinger - Centurion American
Address: 1800 Valley View Lane, Suite 300
City: Farmers Branch State: TX Zip Code: 75234
Phone: 214-728-8383 Email: trevor@centurionamerican.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate C.A. Bass, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Anna.

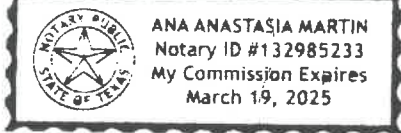
Property Owner's Signature: [Signature] Date: 12/8/22

STATE OF: Texas

COUNTY OF: Dallas

BEFORE ME, a Notary Public, on this day personally appeared Mehrdad Moayedi (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 8 day of December, 2022



[Signature]
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☒ Preparer ☐ Other (specify): _____
Name: Lisa Smith
Company: C.A. Bass, LLC
Address: 11710 FM 2661
City: Tyler State: TX Zip Code: 75709
Phone: (903)596-8464 Email: permitting@cabass.net

Planning & Development Department

3223 N. Powell Parkway • Anna, TX 75409 • 972.924.2616 • www.annatexas.gov



Item No. 29.

Planning and Zoning Commission Agenda
Planning Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Conduct a Public Hearing/Consider/Discuss/Action on a request to amend zoning on one lot on 8.2± acres located at the northeast corner of W. 7th Street and S. Powell Parkway to allow for a proposed library and existing civic center uses with modified development standards. Applicant: The City of Anna.

SUMMARY:

The property's current zoning, established in 2019 (Ord. No. 831-2019), is a Planned Development with the base zoning of CBRD Central Business Redevelopment District (CBRD). The request is to amend standards established as part of the 2019 zoning and current CBRD development standards to accommodate the construction of the new library and existing municipal complex site improvements.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

A concept plan (Exhibit A), Anna Municipal Complex Addition, Block A, Lot 1 accompanies this request.

Proposed Planned Development Stipulations

The language in the proposed PD district will modify existing PD standards and current development standards by:

- Removing an existing PD stipulation requiring 25-foot landscape areas at intersection corners of two public streets.
- Modify the CBRD height and front yard setback requirements.
- Exempt the property from the 20-foot landscape setback requirement and 600 square foot landscape area requirement at the intersection of two dedicated streets.
- Exempt the property from the signage regulations.

FINANCIAL IMPACT:

This item has no financial impact.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic

outcome area: Neighborly, Unique, Vibrant, and Active.

STAFF RECOMMENDATIONS:

The land use is not proposing to change on the property. The zoning amendment request modifies the existing zoning to accommodate the proposed library and existing municipal complex site improvements.

If the Commission votes in favor of the zoning amendment request, below are recommended restrictions:

Restrictions:

A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).

B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the CBRD Central Business Redevelopment District (CBRD) zoning district and the Planning and Development Regulations except as modified per Ord. No. 831-2019 and as otherwise specified herein. (***Additions are indicated in underlined text; deletions are indicated in ~~strikethrough text~~.***)

i. Parking shall be 1 parking stall per 1,000 square feet, gross floor area. Parking may be shared between buildings on the same block.

ii. For all nonresidential parcels at least 2% of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front setback line.

iii. For all nonresidential parcels, there shall be required to plant one large tree per every 150 linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered anywhere on the site to facilitate site design.

~~iv. For all nonresidential parcels located at the intersection of two dedicated public streets (rights-of-way), 25-foot landscape areas shall be provided at the intersection corners within 3 years of a third building being constructed on the site.~~

iv. Zoning District Area Regulations:

1. Maximum height (feet): 50

2. Front yard (feet):

a. 5th Street and Riggins Street: 0

b. S. Powell Parkway: 40

c. 7th Street: 45

v. Landscaping shall conform to City ordinances with the following exceptions:

1. Exempt from the 20-foot landscape setback requirement along major thoroughfares.

2. Exempt from the 600 square foot landscape area at the intersection of two dedicated public streets.

vi. Signage: The property shall be exempt from the signage regulations.

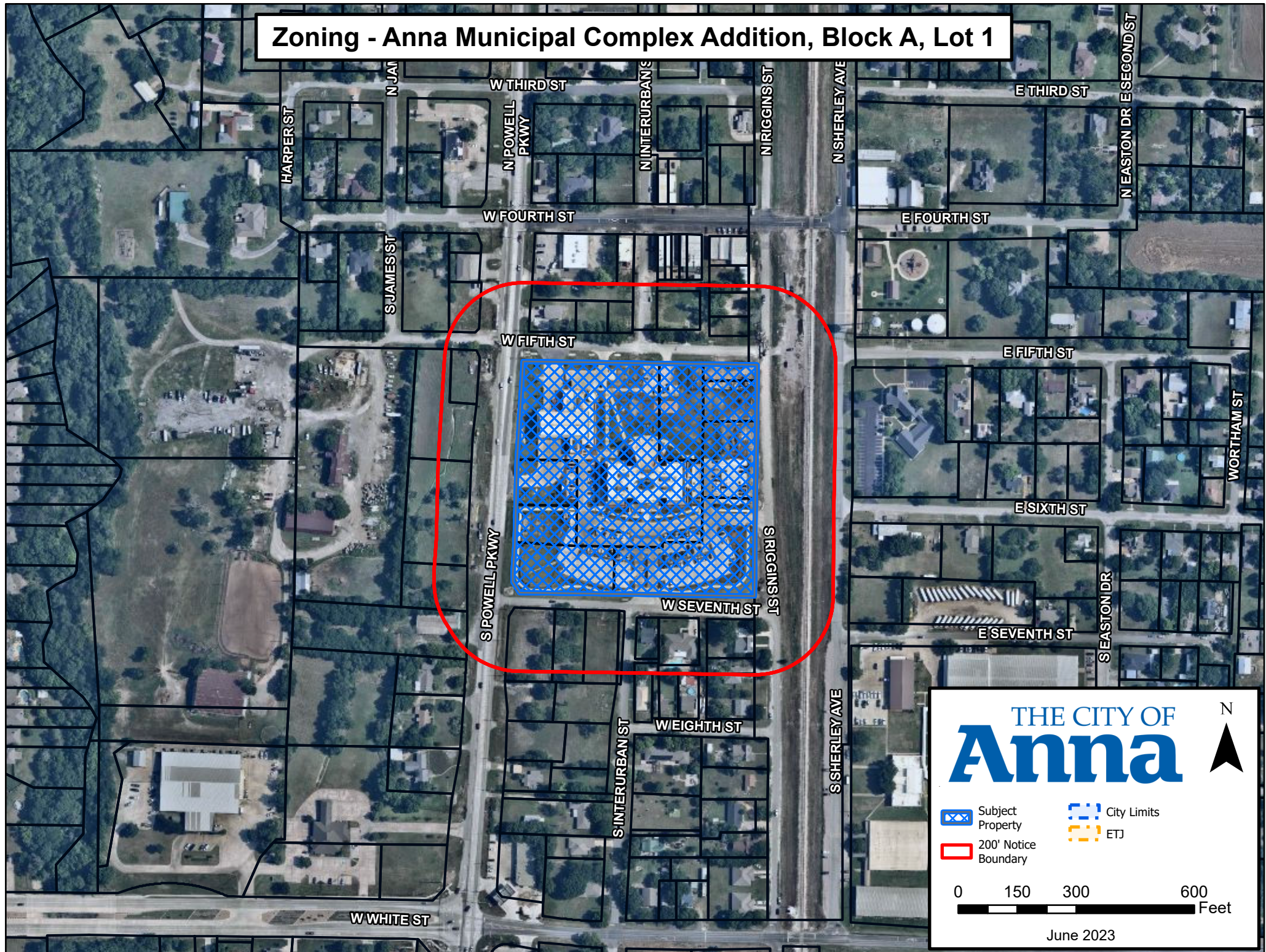
C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Conceptual Development plan. Non-substantial changes of detail on the final development plan(s) that differ from the Conceptual Development plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.

D. The Revised Site Plan will expire after two (2) years of approval.

ATTACHMENTS:

1. Anna Municipal Complex Addition, Block A, Lot 1 Zoning Locator Map
2. PZ - STAFF REPORT (Zoning) - Anna Municipal Complex Addition, Block A, Lot 1
3. EXHIBIT A - RSP (Anna Municipal Complex, Bl A, Lt 1)
4. Ord. No. 831-2019 (existing PD zoning)

Zoning - Anna Municipal Complex Addition, Block A, Lot 1



CITY OF ANNA
PLANNING & ZONING COMMISSION

January 3, 2023

Public Hearing: Zoning Amendment – Anna Municipal Complex

Applicant: City of Anna

DESCRIPTION:

Request to amend zoning on one lot on 8.2± acres located at the northeast corner of W. 7th Street and S. Powell Parkway to allow for a proposed library and existing civic center uses with modified development standards.

REMARKS:

The property's current zoning, established in 2019 (Ord. No. 831-2019), is a Planned Development with the base zoning of CBRD Central Business Redevelopment District (CBRD). The request is to amend standards established as part of the 2019 zoning and current CBRD development standards to accommodate the construction of the new library and existing municipal complex site improvements.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

A concept plan (Exhibit A), Anna Municipal Complex Addition, Block A, Lot 1 accompanies this request.

Proposed Planned Development Stipulations

The language in the proposed PD district will modify existing PD standards and current development standards by:

- Removing an existing PD stipulation requiring 25-foot landscape areas at intersection corners of two public streets.
- Modify the CBRD height and front yard setback requirements.

- Exempt the property from the 20-foot landscape setback requirement and 600 square foot landscape area requirement at the intersection of two dedicated streets.
- Exempt the property from the signage regulations.

CONCLUSION:

The land use is not proposing to change on the property. The zoning amendment request modifies the existing zoning to accommodate the proposed library and existing municipal complex site improvements.

RECOMMENDATION:

If the Commission votes in favor of the zoning amendment request, below are recommended restrictions:

Restrictions:

- A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan (Exhibit A).
- B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the CBRD Central Business Redevelopment District (CBRD) zoning district and the Planning and Development Regulations except as modified per Ord. No. 831-2019 and as otherwise specified herein. ***(Additions are indicated in underlined text; deletions are indicated in ~~strikethrough text~~.)***
 - i. Parking shall be 1 parking stall per 1,000 square feet, gross floor area. Parking may be shared between buildings on the same block.
 - ii. For all nonresidential parcels at least 2% of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front setback line.
 - iii. For all nonresidential parcels, there shall be required to plant one large tree per every 150 linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered anywhere on the site to facilitate site design.

~~iv. For all nonresidential parcels located at the intersection of two dedicated public streets (rights-of-way), 25-foot landscape areas shall be provided at the intersection corners within 3 years of a third building being constructed on the site.~~

iv. Zoning District Area Regulations:

1. Maximum height (feet): 50

2. Front yard (feet):

a. 5th Street and Riggins Street: 0

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c. 7th Street: 45

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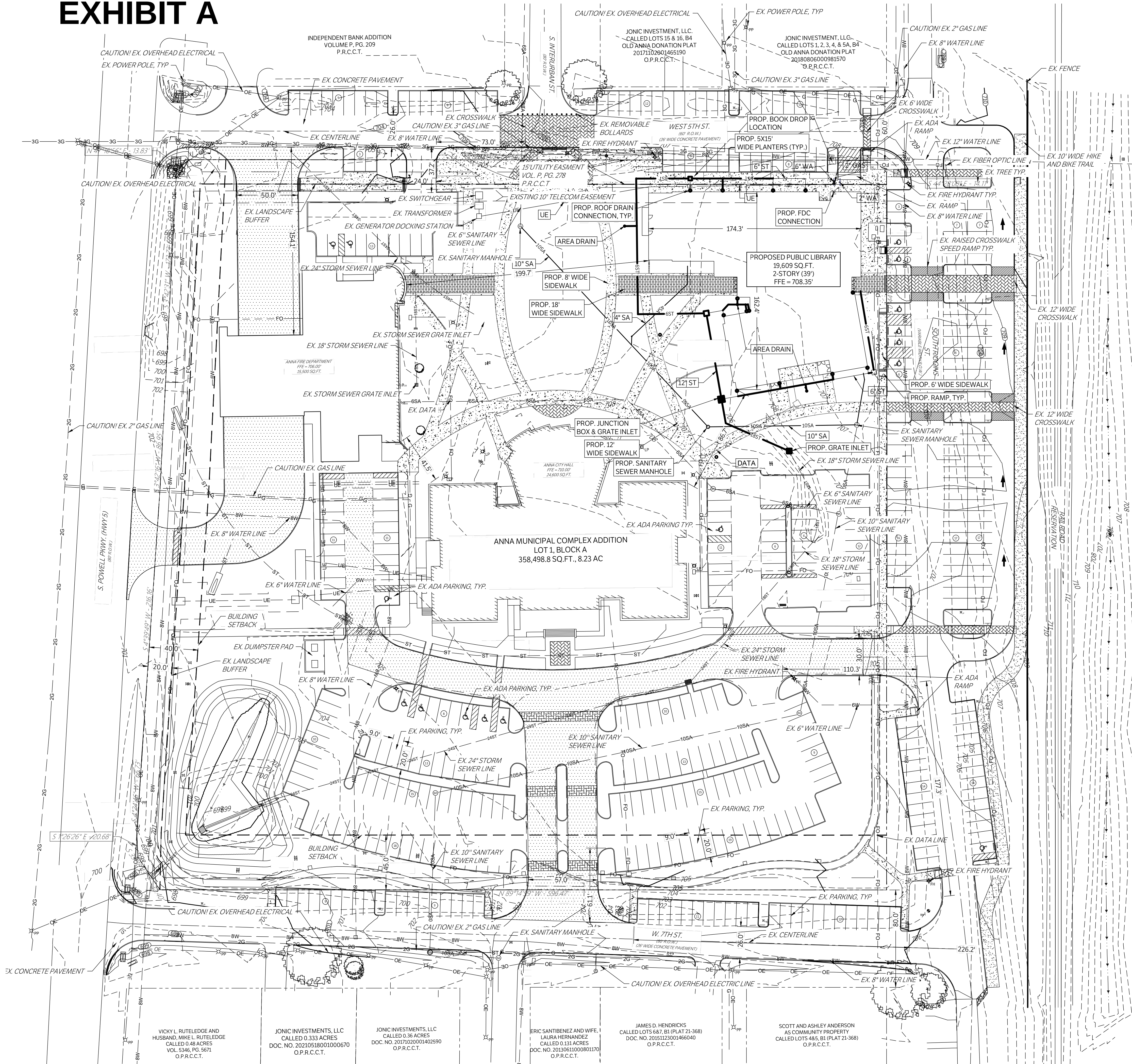
2. Exempt from the 600 square foot landscape area at the intersection of two dedicated public streets.

vi. Signage: The property shall be exempt from the signage regulations.

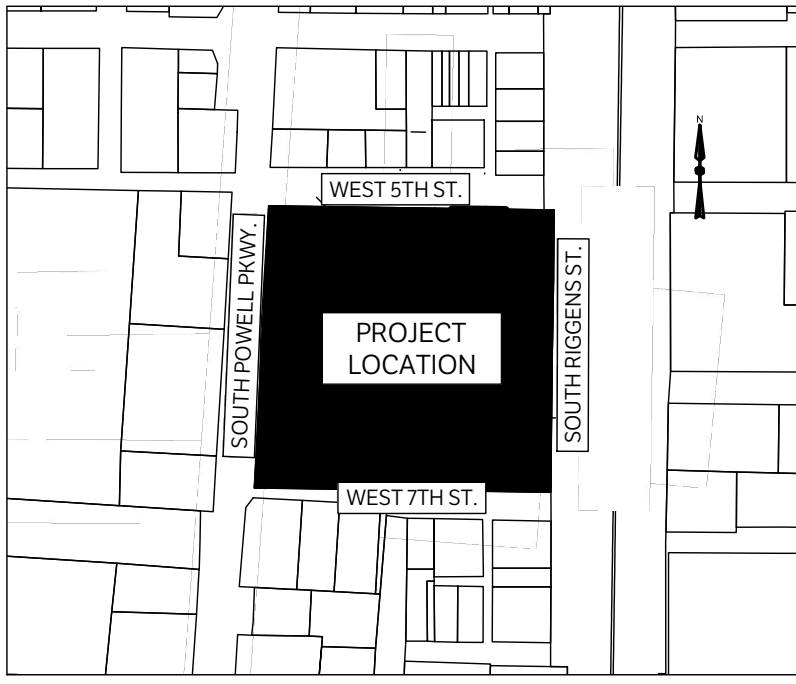
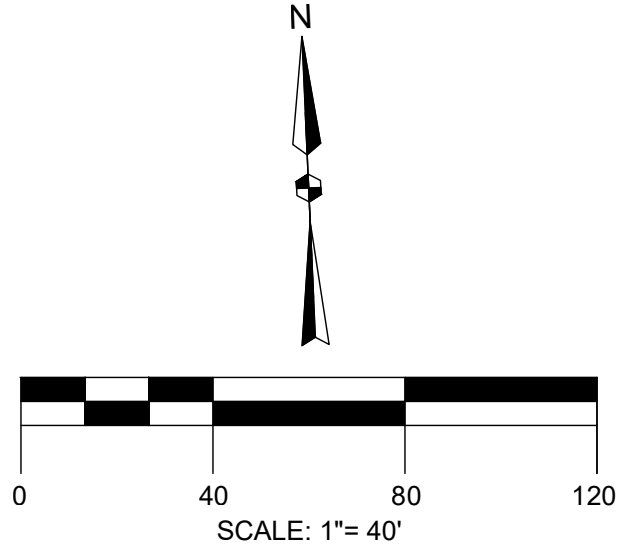
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D. The Revised Site Plan will expire after two (2) years of approval.

EXHIBIT A



CAUTION: CONTACT TEXAS 811 AND LOCAL UTILITY PROVIDERS TO LOCATE EXISTING UTILITIES PRIOR TO CONSTRUCTION.
CONTACT GESSNER ENGINEERING IF CONFLICTS OCCUR.



PROJECT BENCHMARK: 5 BM
1/2" CAPPED IRON ROD WITH CAP STAMPED "TRAV" LOCATED SOUTHEAST OF THE INTERSECTION OF W. 5TH ST. & S. RIGGINS ST.
ELEVATION = 709.27'
1/2" CAPPED IRON ROD WITH CAP STAMPED "TRAV" LOCATED NORTHWEST OF THE INTERSECTION OF S. RIGGINS ST. & W. 7TH ST. APPROXIMATELY 66 FEET NORTH OF METER VAULT
ELEVATION = 704.61'

NOTES:
THE PURPOSE OF THE REVISED SITE PLAN IS FOR THE ADDITION OF THE PUBLIC LIBRARY AND ASSOCIATED SITE IMPROVEMENTS

ITEM	LOT 1
GENEREAL SITE DATA	
ZONING (FROM ZONING MAP)	PD-C
LAND USE (FROM ZONING ORDINANCE)	COMMUNITY CENTER/ PUBLIC LIBRARY
LOT AREA (SQ.FT. & ACRES)	8.23 ACRES/ 358,498.8 SQ.FT.
BUILDING FOOTPRINT AREA (SQ.FT.)	59,709 SQ.FT.
TOTAL BUILDING AREA (SQ.FT.)	91,365 SQ.FT.
BUILDING HEIGHT (# STORIES)	2-STORY
BUILDING HEIGHT (FEET DISTANCE TO TALLEST BUILDING ELEMENT)	39' FT.
LOT COVERAGE (PERCENT - X.XX%)	16.65%
PARKING	
PARKING RATIO (FROM ZONING ORDINANCE)	1:1000 GFA
REQUIRED PARKING (# SPACES)	91
PROVIDED PARKING (# SPACES)	187 (ON SITE) 231 (OFF SITE)
ACCESSIBLE PARKING REQUIRED (# SPACES)	6 (ON SITE) 7 (OFF SITE)
ACCESSIBLE PARKING PROVIDED (# SPACES)	7 (ON SITE) 7 (OFF SITE)
LANDSCAPE AREA (INCLUDING TURF AREAS)	
REQUIRED INTERNAL LANDSCAPE AREA (SQUARE FT. PER PARKING SPACE)	3,590 SQ.FT.
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SQ.FT.)	41,427 SQ.FT.
TOTAL LANDSCAPED AREA (SQ.FT.)	358,974 SQ.FT.

LEGEND	
	4" CONCRETE SIDEWALK
	FIRE LANE
	4" CONCRETE BIKE PATH
	BRICK PAVERS
	LIMITS OF CONSTRUCTION
	PROPERTY LINE
	EASEMENT
	EXISTING CONTOURS
	PROPOSED CONTOURS
	STORM LINE
	WATER LINE
	SANITARY SEWER LINE
	GAS LINE
	DATA/TELECOM
	UNDERGROUND ELECTRIC
	OVERHEAD ELECTRIC
	FIRE HYDRANT
	WATER METER
	GATE VALVE
	FIRE DEPARTMENT CONNECTION
	POST INDICATOR VALVE
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	STORM SEWER CURB INLET
	LIGHT POLE
	PROPOSED PUBLIC ACCESS EASEMENT
	PROPOSED UTILITY EASEMENT



CORPORATE OFFICE
401 W 26TH ST
BRYAN, TEXAS 77803
www.gessnerengineering.com
BRENHAM 979.836.6855
BRYAN 979.680.8940
FORT WORTH 817.405.0774
GEORGETOWN 512.930.5832
SAN ANTONIO 210.305.4792
TBPELS FIRM REGISTRATION NUMBERS:
F-7451 & F-101914599

REVISED SITE PLAN
ANNA MUNICIPAL COMPLEX ADDITION
LOT 1, BLOCK A
CITY OF ANNA, TEXAS
BEING 8.234 ACRES
OUT OF
HENRY BRANTLEY SURVEY, ABSTRACT NO.71

SURVEY EXHIBIT
ISSUE DATE: 06-07-2023
DRAWN BY: PJ
CHECKED BY: JP
PROJECT #: 22-0490

REVISED: 9-26-22

CITY OF ANNA, TEXAS

(Property rezoned under this ordinance is generally located north of 7th Street, south of W.5th Street, east of SH 5 and west of S. Riggins Street)

ORDINANCE NO. 831-2019

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the zoning of the City; and

WHEREAS, the City has received a requested zoning change on Property described in Exhibit A ("Property") attached hereto and incorporated herein for all purposes as if set forth in full; and

WHEREAS, said Property generally located north of 7th Street, south of W .5th Street, east of SH 5 and west of S. Riggins Street is rezoned from (C-1) Restricted Commercial District to (PD) Planned Development; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City of Anna ("City Council") have given the requisite notices by publication and otherwise and have held the public hearings as required by law and afforded a full and fair hearing to all property owners and generally to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council has concluded that the Zoning Ordinance of the City should be amended as set forth below.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated.

The recitals above are incorporated herein by reference for all purposes.

Section 2. Zoning Change

The Comprehensive Plan of the City and City of Anna Ordinance No. 116-2003 as amended and codified as Part III-C of The Anna City Code of Ordinances are hereby amended by changing the zoning of the Property described in Exhibit A from Restricted Commercial District (C-1) to Planned Development (PD) Zoning. The Planned Development (PD) zoning regulations limit the use of the property or any part thereof to those permitted in the Central Business Redevelopment District (CBRD) with restrictions and additions as set forth below:

1. Purpose.

The purpose of this Planned Development District is to facilitate the development of downtown Anna, preserve the historical center of the city, maintain the economic and historic integrity of the area and to accommodate those uses that are of city-wide and regional significance. Within this District are permitted certain residential, institutional, retail and office uses.

2. Definitions

Except as otherwise provided herein, the definitions in Section 4 of the City's Zoning Ordinance shall apply.

3. Development Standards.

- a. "CBRD" Property. Development of the Property must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the "CBRD", Central Business Redevelopment District, except as otherwise provided herein.
 - 1. Parking shall be 1 parking stall per 1,000 square feet, gross floor area. Parking may be shared between buildings on the same block.
 - 2. For all nonresidential parcels at least 2% of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front setback line.
 - 3. For all nonresidential parcels, there shall be required to plant one large tree per every 150 linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered anywhere on the site to facilitate site design.
 - 4. For all nonresidential parcels located at the intersection of two dedicated public streets (rights-of-way), 25-foot landscape areas shall be provided at the intersection corners within 3 years of a third building being constructed on the site.

Section 3. Official Zoning Map

The official Zoning Map of the City shall be corrected to reflect the change in zoning described herein.

Section 4. Savings, Repealing and Severability Clauses

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable be the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clause, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all

ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 5. Penalty

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$2,000 for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 6. Publication of the Caption and Effective Date

This ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and posting and/or publication, if required by law of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas, on this 10th day of September 2019.

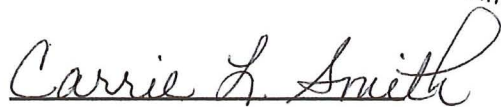
APPROVE



Nate Pike, Mayor



ATTEST



Carrie Smith, City Secretary

EXHIBIT "A"
PROPERTY DESCRIPTION

ANNA MUNICIPAL COMPLEX ADDITION

CITY OF ANNA, TEXAS

Being 8.241 Acres

out of the

HENRY BRANTLEY SURVEY, ABSTRACT NO. 71

and the

ANNA ORIGINAL DONATION ADDITION, BLOCKS 2 & 3

and being

Tracts 11, 146, 147, 198 of the Henry Brantley Survey, Abstract 71

Lots 1-5, 8 & 9 Block 2; and Lots 1-5 & 6R Block 3 of the Anna Original Donation Addition

All Abandoned Alleys in Block 2 and 3 of the Anna Original Donation Addition

All the 80-foot wide Right of Way of 6th Street in the Anna Original donation Addition

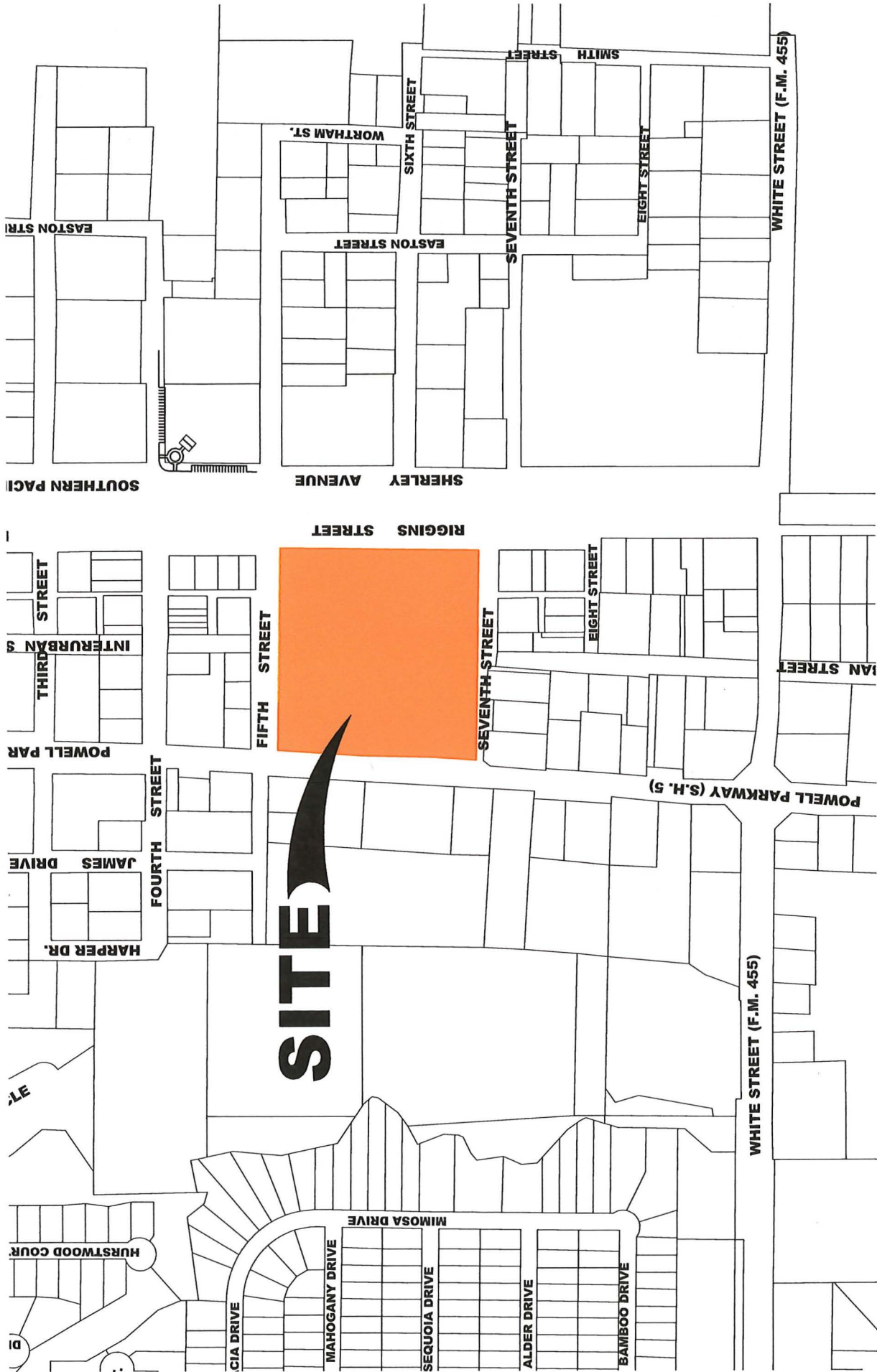
Southernmost 20-foot wide strip of 5th Street Right of Way in the Anna Original Donation Addition

831-2019

EXHIBIT "B"
PROPERTY LOCATION



831-2019



831-2019



Item No. 30.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Action on the Anna Municipal Complex Addition, Block A, Lot 1, Revised Site Plan. Applicant: City of Anna

SUMMARY:

Library and existing civic center uses on one lot on 8.2± acres located at the northeast corner of W. 7th Street and S. Powell Parkway.

This Revised Site Plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the Revised Site Plan is to show the proposed library site improvements. The Revised Site Plan complies with the Planning and Development regulations as requested by the zoning case.

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

If the zoning amendment is recommended for approval, Revised Site Plan approval shall be subject to City Council approval of the zoning request and subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

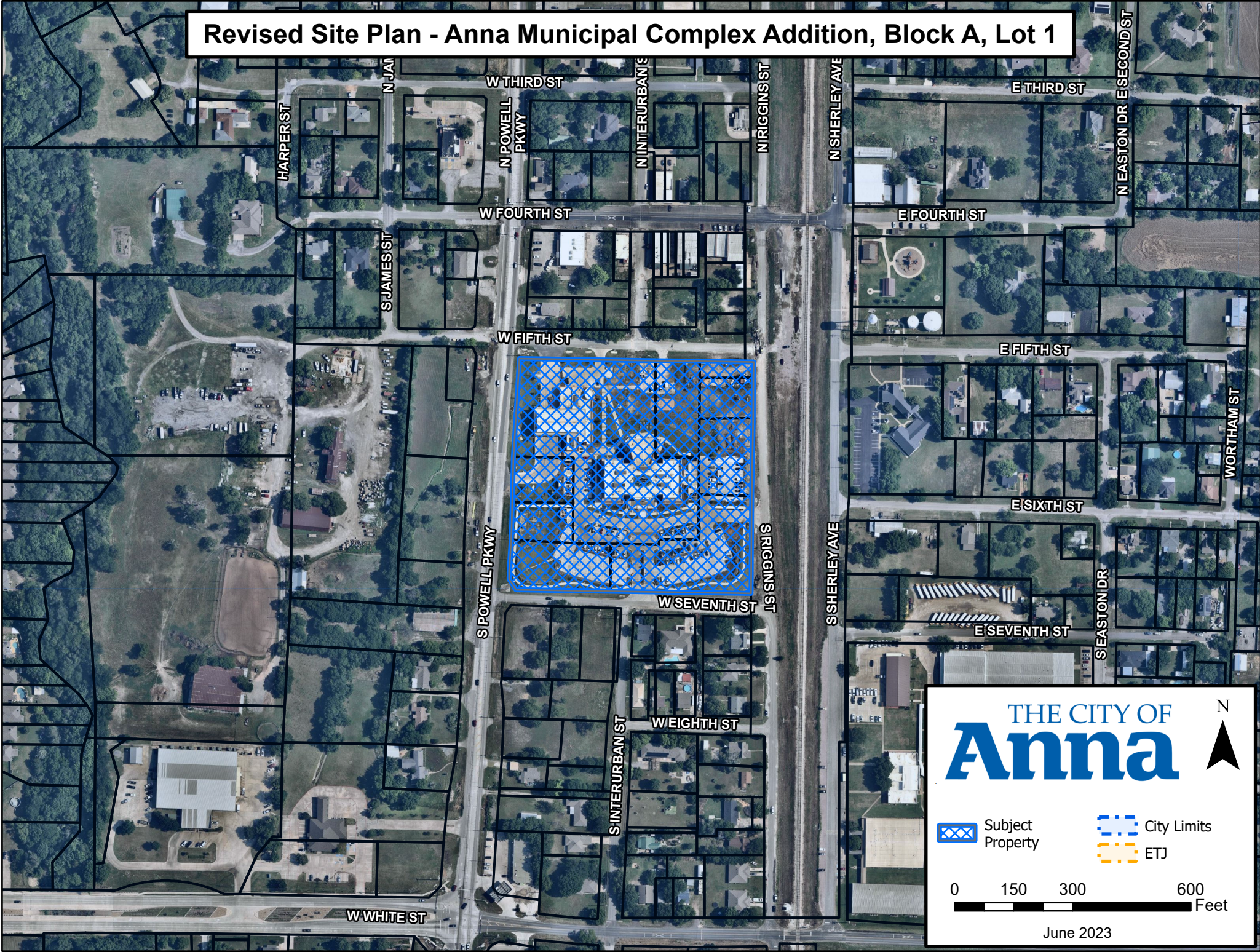
STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Neighborly, Unique, Vibrant, and Active.

ATTACHMENTS:

1. Anna Municipal Complex Addition Block A Lot 1 Revised Site Plan Locator Map
2. EXHIBIT A - RSP (Anna Municipal Complex, Bl A, Lt 1)

Revised Site Plan - Anna Municipal Complex Addition, Block A, Lot 1



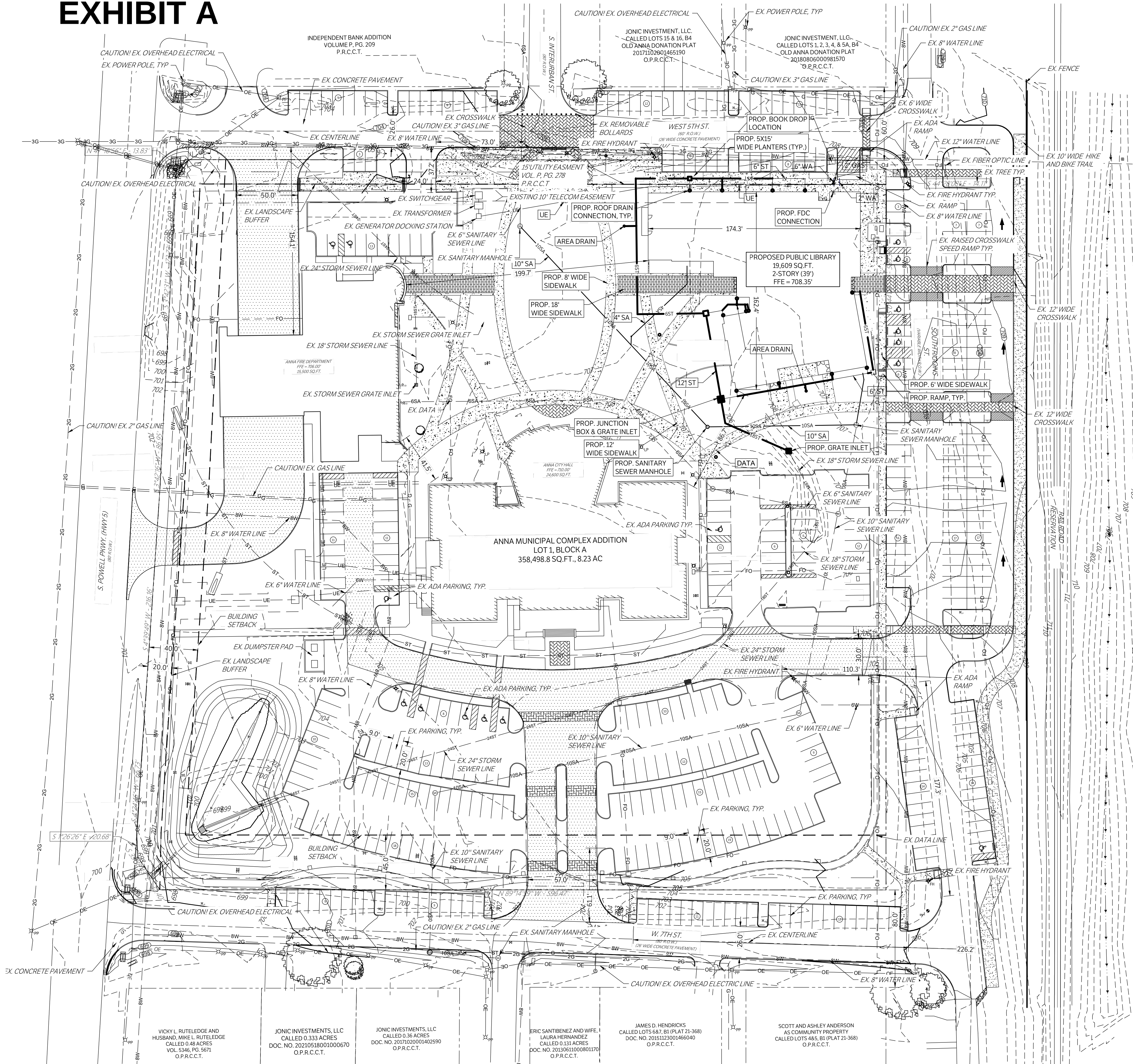
THE CITY OF
Anna

Subject Property City Limits ETJ

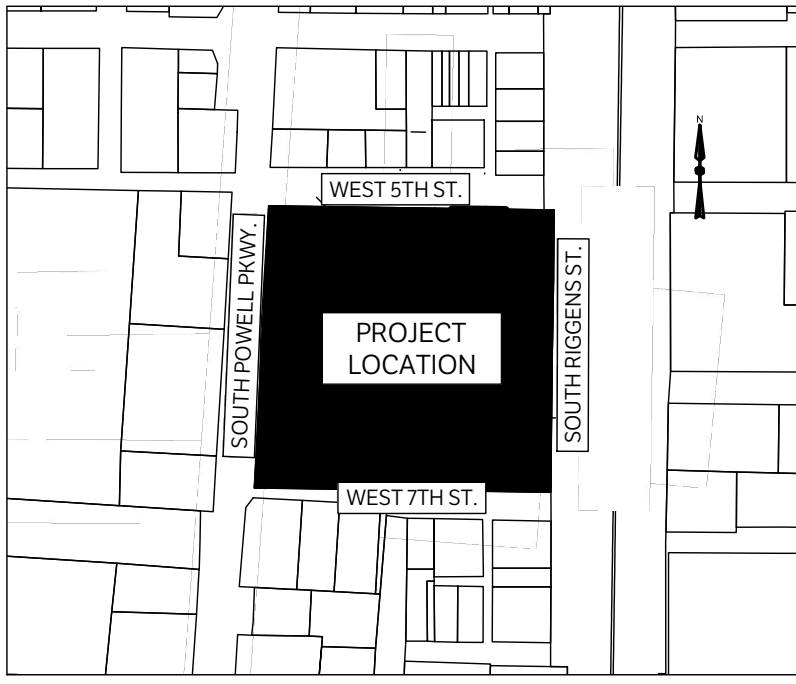
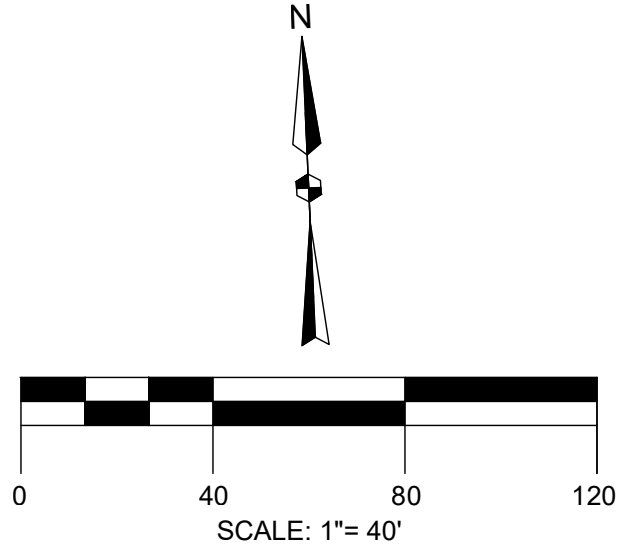
0 150 300 600 Feet

June 2023

EXHIBIT A



CAUTION: CONTACT TEXAS 811 AND LOCAL UTILITY PROVIDERS TO LOCATE EXISTING UTILITIES PRIOR TO CONSTRUCTION.
CONTACT GESSNER ENGINEERING IF CONFLICTS OCCUR.



VICINITY MAP
SCALE: 1" = 400'

PROJECT BENCHMARK: 5 BM
1/2" CAPPED IRON ROD WITH CAP STAMPED "TRAV" LOCATED SOUTHEAST OF THE INTERSECTION OF W. 5TH ST. & S. RIGGINS ST.
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ELEVATION = 704.61'

NOTES:
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ITEM	LOT 1
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PARKING RATIO (FROM ZONING ORDINANCE)	1:1000 GFA
REQUIRED PARKING (# SPACES)	91
PROVIDED PARKING (# SPACES)	187 (ON SITE) 231 (OFF SITE)
ACCESSIBLE PARKING REQUIRED (# SPACES)	6 (ON SITE) 7 (OFF SITE)
ACCESSIBLE PARKING PROVIDED (# SPACES)	7 (ON SITE) 7 (OFF SITE)
LANDSCAPE AREA (INCLUDING TURF AREAS)	
REQUIRED INTERNAL LANDSCAPE AREA (SQUARE FT. PER PARKING SPACE)	3,590 SQ.FT.
ADDITIONAL INTERIOR LANDSCAPE AREA PROVIDED (SQ.FT.)	41,427 SQ.FT.
TOTAL LANDSCAPED AREA (SQ.FT.)	358,974 SQ.FT.

LEGEND	
	4' CONCRETE SIDEWALK
	FIRE LANE
	4' CONCRETE BIKE PATH
	BRICK PAVERS
	LIMITS OF CONSTRUCTION
	PROPERTY LINE
	EASEMENT
	EXISTING CONTOURS
	PROPOSED CONTOURS
	STORM LINE
	WATER LINE
	SANITARY SEWER LINE
	GAS LINE
	DATA/TELECOM
	UNDERGROUND ELECTRIC
	OVERHEAD ELECTRIC
	FIRE HYDRANT
	WATER METER
	GATE VALVE
	FIRE DEPARTMENT CONNECTION
	POST INDICATOR VALVE
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	STORM SEWER CURB INLET
	LIGHT POLE
	PROPOSED PUBLIC ACCESS EASEMENT
	PROPOSED UTILITY EASEMENT



CORPORATE OFFICE
401 W 26TH ST
BRYAN, TEXAS 77803
www.gessnerengineering.com
BRENHAM 979.836.6855
BRYAN 979.680.8940
FORT WORTH 817.405.0774
GEORGETOWN 512.930.5832
SAN ANTONIO 210.305.4792
TBPELS FIRM REGISTRATION NUMBERS:
F-7451 & F-101914599

REVISED SITE PLAN
ANNA MUNICIPAL COMPLEX ADDITION
LOT 1, BLOCK A
CITY OF ANNA, TEXAS
BEING 8.234 ACRES
OUT OF
HENRY BRANTLEY SURVEY, ABSTRACT NO.71

SURVEY EXHIBIT
ISSUE DATE: 06-07-2023
DRAWN BY: PJ
CHECKED BY: JP
PROJECT #: 22-0490

REVISED: 9-26-22



Item No. 31.

Planning and Zoning Commission Agenda
Staff Report

Meeting Date: 7/6/2023
Staff Contact: Ross Altobelli

AGENDA ITEM:

Consider/Discuss/Act on Amendments to Article 9.07 Tree Preservation of The City of Anna Code of Ordinances, Text Amendment. Applicant: City of Anna.

SUMMARY:

On June 5, 2023, Planning staff presented a Discussion & Direction item to the Planning & Zoning Commission requesting that a public hearing be called to amend Article 9.07 Tree Preservation in order to remove conflicting language and simplify the development process while still meeting the purpose of the article.

At this meeting the Commission expressed support and called the public hearing.

ISSUES:

Definition(s)

Establish definitions to clearly identify what is a protected quality tree and specimen tree.

- Protected quality tree means:

(1) A quality tree, which typically has significant positive characteristics worthy of preservation, as listed in this article (see Tree Appendix 1 at the end of this article), with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

(2) Trees with a trunk eighteen inches or greater in caliper at four feet six inches above the ground located within 10 feet of a property boundary (regardless of species). The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

- Specimen tree means a tree which has been determined by the city to be of high value because of its type, size, or other specific criteria. Generally, specimen trees are trees having twenty-four inches or greater in caliper at four feet six inches above the ground. but other criteria may also be utilized. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Article reorganization

To better align with the zoning ordinance staff is recommending that the article be restructured by rearranging, consolidating, and deleting sections of the ordinance.

Tree Protection

Requiring a minimum 15% preservation of protected quality trees and/or species trees within developments 25 acres or larger.

To maintain existing aesthetic qualities of the city and to ensure trees with historic value are preserved, staff is recommending adding new language protecting any tree, regardless of species, 18" or larger within 10 feet of the property boundaries. These trees will have the same tree replacement and protection requirements of protected quality trees.

To incentivize the preservation of trees 18" or larger along property boundaries, tree credits toward mitigation will be earned for their preservation.

Submittal and Review process

To assist both the user and city staff in understanding requirements of the ordinance staff is recommending edits to the submittal and review procedures that clearly identify types and size of trees meeting preservation requirements and identifying specific content and material required to be on Tree Preservation Plans.

Mitigation fee

Establish tree replacement costs for protected quality trees and/or specimen trees that are not exempt from the tree removal permit application requirements and in which tree replacement requirements are not being met.

Tree Type/Size	Replacement Cost Floodplain Tree	Protected Quality Trees & Specimen Trees
Protected Quality Trees (Floodplain only): 6" – 10" (DBH)	\$3,000	\$900
Protected Quality Trees (Floodplain only): 11" – 17" (DBH)	\$6,000	\$1,800
Protected Quality Trees: 18" – 30" (DBH)	\$15,000	\$4,500
Specimen Tree: 24" – 30" (DBH)	\$15,000	\$4,500
All trees: 30"+ (DBH)	\$20,000	\$6,000

Illegal Tree Removal

- \$1,000 plus replacement cost
- \$1,000 per tree if not in the floodplain nor a protected quality or specimen tree

FINANCIAL IMPACT:

This item has no financial impact.

BACKGROUND:

The requested amendments to the Tree Preservation Ordinance will improve preservation, staff efficiency, and clarify the City's development regulations and standards.

Recommended that the Planning and Zoning Commission recommend City Council approval of the proposed amendments to Article 9.07 Tree Preservation of the City of Anna Code of Ordinances and associated Tree Appendices and Fee Schedule regulations as drafted by staff.

STRATEGIC CONNECTIONS:

This item supports the City of Anna Strategic Plan, specifically advancing the strategic outcome area: Excellent.

ATTACHMENTS:

1. PZ - STAFF REPORT - Ordinance Amendment (Article 9.07 Tree Preservation)
2. P&Z - Article 9.07 - Tree Preservation (Restructure & amendments)
3. Edits - Trees Appendix 1 - List of Quality and Acceptable Replacement Trees (6-30-23)
4. Edits - Trees Appendix 2 - Approved Plant List (6-30-23)
5. Article 9.07 Tree Preservation - EXISTING REGULATIONS

CITY OF ANNA
PLANNING & ZONING COMMISSION

July 6, 2023

Agenda Item: Text Amendment: Article 9.07 Tree Preservation Plan

DESCRIPTION:

Conduct a Public Hearing/Consider/Discuss/Action on a recommendation regarding an amendment to Article 9.07 Tree Preservation of the City of Anna Code of Ordinances and associated Tree Appendices and Fee Schedule regulations.

REMARKS:

On June 5, 2023, Planning staff presented a Discussion & Direction item to the Planning & Zoning Commission requesting that a public hearing be called to amend Article 9.07 Tree Preservation in order to remove conflicting language and simplify the development process while still meeting the purpose of the article.

At this meeting the Commission expressed support and called the public hearing.

ISSUES:

Definition(s)

Establish definitions to clearly identify what is a protected quality tree and specimen tree.

- Protected quality tree means:

(1) A quality tree, which typically has significant positive characteristics worthy of preservation, as listed in this article (see Tree Appendix 1 at the end of this article), with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

(2) Trees with a truck eighteen inches or greater in caliper at four feet six inches above the ground located within 10 feet of a property boundary (regardless of species). The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

- Specimen tree means a tree which has been determined by the city to be of high value because of its type, size, or other specific criteria. Generally, specimen trees are trees having twenty-four inches or greater in caliper at four feet six inches above the ground. but other criteria may also be utilized. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Article reorganization

To better align with the zoning ordinance staff is recommending that the article be restructured by rearranging, consolidating, and deleting sections of the ordinance.

Tree Protection

Requiring a minimum 15% preservation of protected quality trees and/or species trees within developments 25 acres or larger.

To maintain existing aesthetic qualities of the city and to ensure trees with historic value are preserved, staff is recommending adding new language protecting any tree, regardless of species, 18" or larger within 10 feet of the property boundaries. These trees will have the same tree replacement and protection requirements of protected quality trees.

To incentivize the preservation of trees 18" or larger along property boundaries, tree credits toward mitigation will be earned for their preservation.

Submittal and Review process

To assist both the user and city staff in understanding requirements of the ordinance staff is recommending edits to the submittal and review procedures that clearly identify types and size of trees meeting preservation requirements and identifying specific content and material required to be on Tree Preservation Plans.

Mitigation fee

Establish tree replacement costs for protected quality trees and/or specimen trees that are not exempt from the tree removal permit application requirements and in which tree replacement requirements are not being met.

Tree Type/Size	Replacement Cost	
	Floodplain Tree	Protected Quality Trees & Specimen Trees
Protected Quality Trees (Floodplain only): 6" – 10" (DBH)	\$3,000	\$900
Protected Quality Trees (Floodplain only): 11" – 17" (DBH)	\$6,000	\$1,800

Protected Quality Trees: 18" – 30" (DBH)	\$15,000	\$4,500
Specimen Tree: 24" – 30" (DBH)	\$15,000	\$4,500
All trees: 30"+ (DBH)	\$20,000	\$6,000
Illegal Tree Removal	• \$1,000 plus replacement cost • \$1,000 per tree if not in the floodplain nor a protected quality or specimen tree	

SUMMARY:

The requested amendments to the Tree Preservation Ordinance will improve preservation, staff efficiency, and clarify the City's development regulations.

RECOMMENDATION:

Recommended the Planning and Zoning Commission recommend City Council approval of the proposed amendments to Article 9.07 Tree Preservation of the City of Anna Code of Ordinances and associated Tree Appendices and Fee Schedule regulations as drafted by staff.

§ 9.07.001 Purpose.

§ 9.07.002 Administration.

§ 9.07.003 Tree removal application.

§ 9.07.004 Standards for Tree Removal.

§ 9.07.005 Mitigation.

§ 9.07.006 Maintenance.

§ 9.07.007 Conflicts with other ordinances.

§ 9.07.008 Enforcement.

§ 9.07.009 Definition.

§ 9.07.001 Purpose.

The terms and provisions of this article are intended to accomplish the following public purposes:

- (1)** To encourage preservation and protection of existing protected quality trees or specimen trees and/or trees of historic value.
- (2)** Reward site design that preserves existing protected quality trees, specimen trees, and/or trees of historic value and associated habitat by offering preservation credits to off-set required replacement rates.
- (3)** To encourage ecological stabilization through urban forest management that contributes to the processes of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation; and promote energy efficiency and water conservation through tree preservation and cultivation, thereby abating noise, heat, and glare.
- (4)** To acknowledge that trees and landscaping add value to property and protect public and private investments to the general benefit of the city and its residents.

(5) To define reasonable protective measures required to preserve the protected quality tree and specimen tree population.

(6) To protect healthy protected quality trees and specimen trees and promote the natural ecological, environmental, and existing aesthetic qualities of the city.

(7) To preserve and promote the appearance and rural heritage of the city.

(8) To protect and preserve native and specimen vegetative species, their ecosystems and natural habitats, and prevent damage to and unnecessary removal of vegetation during the land development and construction processes.

(9) To prohibit indiscriminate clear-cutting.

§ 9.07.002 Administration.

Provisions of this article shall be administered by the landscape administrator or designee.

(1) Tree removal permit applications. The landscape administrator shall grant a tree removal permit provided the requirements of this article are met.

(2) Grievances. An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation.

(3) Waivers. An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. No public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:

- (a) The literal enforcement cannot be accomplished;
- (b) The extent to which the application meets other standards of this article;
- (c) The positive and negative impact of the proposed project on surrounding properties;
and

- (d) The extent to which the waiver would be mitigated by other proposed or existing landscaping.

(4) Non-substantive changes. The landscape administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this article, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this article.

§ 9.07.003 Tree removal application.

(1) Applicability.

(a) A tree removal application must be applied for:

- (i)** Prior to the critical alteration of one or more protected quality trees and/or specimen trees on any site where the removal of these trees is not related to a construction project which requires issuance of a development permit. This shall not include alteration of trees as exempted by this article.
- (ii)** Prior to any, paving, grading, or construction of a single-family or duplex residential subdivision, multiple-family residence development, and/or nonresidential development, a tree removal application shall be submitted concurrent with a preliminary or final plat, whichever plat is submitted initially. If the property is already platted a tree removal application shall be submitted concurrently with a detailed preliminary site plan or site plan (if preliminary site plan is not required). A development permit shall not be issued prior to issuance of a tree removal permit. A tree removal application and permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or final plat has been filed prior to the effective date of this article.
- (iii)** Prior to any paving, grading, or construction of a single-family or duplex residence on a single lot (not part of a larger subdivision), a tree removal application shall be submitted concurrent with the application for a development permit. A development permit shall not be issued prior to issuance of a tree removal permit. A tree removal application and permit shall not be required prior to construction of a single-family or duplex

residence if an application for a building permit has been filed prior to the effective date of this article.

- (iv)** Authorization to critically alter trees on a site for which a tree removal application is required shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the application.

(b) Tree removal permit period; nature of permit.

- (i)** Upon approval of a tree removal application, a tree removal permit shall be valid for the period of the preliminary site plan, site plan, building permit's validity, or a maximum of two years, whichever is less. For projects not related to a construction project which requires issuance of a building permit or development permit the permit shall be void after 180 days.
- (ii)** Upon and after expiration of a tree removal permit, such expired permit may not be deemed to be a "permit" in connection with Texas Local Government Code section 245.001 et seq. or any other statute or law conferring vested rights for development. Any permit issued under this article does not create a property right in the permittee.

(c) Exceptions. A tree removal application shall be submitted to and approved by the landscape administrator before critically altering any protected quality tree or specimen trees, except under any of the following circumstances:

- (i)** The tree endangers the public health, welfare or safety and immediate alteration is required;
- (ii)** The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- (iii)** The tree is located on the property of a licensed plant or tree nursery which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's business;
- (iv)** The tree is part of an orchard;

- (v) The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree.
- (vi) Construction of utilities or public infrastructure on municipal and/or public domain property, or whenever conducted by city personnel; and
- (vii) The area of the request is located within the Downtown Core as established in the Anna 2050 Downtown Master Plan.

(2) Submittal and Review.

The landscape administrator shall establish administrative procedures, forms, and standards with regard to the content, format, graphics and number of copies of information constituting an application for a tree removal permit for clarity and consistency of operations. The published procedures, forms, and standards will have the force of ordinance as if fully incorporated herein.

A tree removal application for a tree removal permit shall include these required documents:

- (a) Completed application form;
- (b) A Tree Preservation Plan checklist;
- (c) A tree preservation plan at the same scale as the preliminary site plan, site plan, preliminary plat, or final plat. The tree preservation plan shall include the following information in addition to information identified on the Tree Preservation checklist:
 - (i) Name and phone number of the person who prepared the survey;
 - (ii) Property lines with dimensions;
 - (iii) Engineering scale (same scale as the preliminary site plan, site plan or preliminary plat);
 - (iv) Aerial photograph with a transparent plan of the development at the same scale as the photography;
 - (v) Location of all rights-of-way and easements (existing and proposed);

- (vi)** Along each of the property boundaries identify and dimension a ten (10) foot zone within the property;
- (vii)** Drainage and detention easement limits
- (viii)** For nonresidential, Planned Developments, and multiple-family residence developments the location of all buildings, structures, pools, parking and vehicular maneuvering area, utilities, sidewalks, and other improvements (existing and proposed);
- (ix)** For Single-family and duplex residential developments identify individual lot lines, building pads, driveways, hike/bike/equestrian trails, public improvements, utility lines and associated easements;
- (x)** Location of FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone and all protected quality trees (6" and greater) and specimen trees (24" and greater) within these areas;
- (xi)** Identification/location of any protected quality tree 6 inches or greater DBH;
- (xii)** Identification/location of any specimen trees 24 inches or greater DBH;
- (xiii)** Identification/location of any tree 18 inches or greater DBH within ten (10 foot) zone of any property boundary;
- (xiv)** Any non-disturbance area or proposed exemption area;
 - 1. Non-disturbance areas. The landscape administrator may approve a non-disturbance area to be designated on the tree preservation plan. The non-disturbance area is an area in which no construction will occur. Protected quality trees and/or specimen trees within the non-disturbance area are not required to be individually identified unless they will be used as credits.
 - 2. Proposed exemption area. The landscape administrator may approve a proposed exemption area to be designated on the tree preservation plan. The proposed exemption area corresponds to areas of the site specifically exempted from tree replacement and protection

requirements of this article. Protected quality trees and/or specimen trees within the proposed exemption area are not required to be individually identified on the tree preservation plan unless they will be used as credits.

(xv) A table containing all the identified trees along with the following information:

1. Tag number;
2. The common and botanical name;
3. Caliper size;
4. Condition;
5. If the tree is to remain or be removed;
6. For trees removed that require mitigation, list the caliper inches to be mitigated of each tree and a total in caliper inches to be mitigated; and
7. For trees being preserved as credits, list the caliper inches to be credited for each tree and a total in caliper inches to be credited.

(d) Alternative tree preservation plan requirements:

- (i)** Tree Sampling. For property containing large, heavily wooded areas, the landscape administrator may, in lieu of a tree preservation plan, authorize the submittal of an alternative tree preservation plan identifying the tree canopy, tree sampling sites, non-disturbance areas and proposed exemption areas where no trees will be critically altered. All other areas shall show the tree canopy and tree sample sites prior to any grading or construction. For every whole acre of tree canopy, there shall be at least two sample sites approximately 75 feet in diameter.
- (ii)** Affidavit of no protected quality trees and/or specimen trees. If a property contains no protected quality tree species and/or specimen trees, the applicant may submit an affidavit of no protected quality trees/specimen

trees in lieu of a tree preservation plan. This affidavit shall act in lieu of a tree preservation plan upon a determination by the landscape administrator that no protected quality trees and/or specimen trees exist on the site. After the expiration of 10 business days after the submittal, the affidavit shall satisfy the requirements of this article, unless within said ten business days the affidavit is denied by the landscape administrator due to a determination that the property contains protected quality trees and/or specimen trees or the trees on the site cannot be affirmatively identified by the landscape administrator.

(3) Tree Removal Application Fee.

At the time a tree removal permit application is submitted, an applicant shall pay a fee to the city in the amount specified by the city council in a fee schedule. The following shall be exempt from payment of the tree removal permit fees:

- (a) City of Anna.** When critically altering any protected quality tree and/or specimen tree not exempt from tree removal permit requirements, the city is exempt from the permit application fee, but must obtain a tree removal permit and comply with all tree placement and tree protection procedures as listed in this article. Protected quality trees and/or specimen trees proposed to be critically altered must be shown on a tree preservation plan approved by the landscape administrator.
- (b) Diseased, dead, or dangerous tree.** An applicant is exempt from the tree removal permit fee if critically altering a diseased or dead tree, or a tree which poses an imminent or immediate threat to persons or property, in a manner which is allowed under permit exemption status.

§ 9.07.004 Standards for Tree Removal.

(1) Clear-cutting. Clear-cutting is prohibited unless specifically authorized by a tree removal permit.

(2) Single-family or duplex residential subdivision, multiple-family residence, and nonresidential developments.

- (a)** Protected quality trees and/or specimen trees located in a FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all

tree replacement and tree protection requirements of this article, to the extent permitted under state law.

(b) In cases other than listed immediately above in subsection (a), all protected quality trees 18 inches in caliper or greater, specimen trees, and/or any tree 18 inches in caliper or greater within 10 feet of the property boundaries shall be subject to tree replacement and tree protection requirements except where trees must be critically altered to:

- (i)** Install and maintain any utility lines;
- (ii)** Dedicate public right-of-way.
- (iii)** Construct any public or private street and associated sidewalk at the minimum required width only;
- (iv)** Provide any required easement up to the minimum width needed to accommodate the required service;
- (v)** Construct any fire lanes at the minimum required width only;
- (vi)** Construct community swimming pools;
- (vii)** Construct any hike/bike/equestrian trails;
- (viii)** Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (ix)** Construct of required drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by standard city engineering practices and policies.
- (i)** Tree replacement in areas reclaimed from the floodplain and used for residential development shall be limited to one three-inch caliper tree for each protected quality tree removed.

(3) Construction of a single-family or duplex residence on a single lot (not part of a larger subdivision).

- (i) Protected quality trees and/or specimen trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.
- (ii) In cases other than listed immediately above (subsection (b)(i)), all protected quality trees 18 inches in caliper or greater and all specimen trees shall be subject to tree replacement and tree protection requirements except where trees must be critically altered for a:
 - (A) Building pad site;
 - (B) Driveway;
 - (C) Sidewalk at the minimum required width only;
 - (D) Patio;
 - (E) Septic tank or lateral line;
 - (F) Pool and associated deck area;
 - (G) Fence; or
 - (H) Ancillary feature normally associated with residential construction.

(4) Existing single-family or duplex residential development. All protected quality trees 18 inches in caliper or greater at DBH and/or specimen trees shall be subject to tree replacement and tree protection requirements regardless of location.

(5) Minimum Preservation. Regardless of the exemptions identified above, new development projects consisting of twenty-five (25) or more acres, a minimum of 15% of the total caliper inches of protected quality trees and/or specimen trees shall be preserved, excluding any protected trees in a floodway.

(6) All other existing development. Tree replacement and protection requirements shall apply, except that additions or redevelopment shall be allowed the same exemptions as for new nonresidential or multifamily development, as applicable.

(7) Demolition. The landscape administrator may issue a tree removal permit to allow critical alteration of a protected quality tree and/or specimen tree if such critical alteration is necessary to allow demolition of a structure. The tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this article.

(8) Diseased trees. Upon issuance of a tree removal permit, a diseased protected quality tree and/or diseased specimen tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the landscape administrator issues a tree removal permit for this use, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this article.

(9) Ground level cuts. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the landscape administrator.

(10) Removal of underbrush and grubbing under drip lines. Removal of underbrush and clearing and grubbing of brush located within or under the drip lines of protected trees shall not require a tree removal permit.

(11) Trees along property lines. To promote the purpose of this article any tree eighteen (18) inches in caliper or greater at DBH within ten (10) feet of the property lines, even if not on the List of Quality Trees (Tree Appendix 1) shall be considered a protected quality tree, be identified on the tree preservation plan, and be subject to tree replacement and protection requirements.

(12) Tree replacement. Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected quality tree and/or specimen tree for which a permit is required. Replacement trees shall be chosen from the approved plant list (Tree Appendix 2).

(a) Tree replacement will be considered only after all design alternatives which could save more existing protected quality trees and/or specimen trees have been evaluated. Replacement trees shall be in addition to trees required under other landscape requirements of the city.

(b) Replacement trees shall be a minimum of 3 inches in diameter when measured at breast height (DBH). Examples include:

- (i) A total of 18 inches diameter to be removed shall be replaced with six 3-inch diameter trees.
- (ii) A total of 19 inches diameter to be removed shall be replaced with seven 3-inch trees, or five 3-inch trees and one 4-inch tree.
- (c) All replacement trees shall be guaranteed for one year from the date of the final inspection and acceptance of the project. The responsibility to replace trees shall apply to both the person altering a protected quality tree and/or specimen tree, and the owner of the property. If a replacement tree dies, the owner of the property is responsible for replacing that tree.
- (d) Replacement trees may be planted off-site on a property mutually agreed upon by the city and the applicant.

§ 9.07.005 Mitigation.

(1) Tree Credits for Mitigation

- (a) Tree credits are available for preserving and planting of trees from the city's approved plant list (Tree Appendix 2).
- (b) When any protected quality tree and/or specimen tree is preserved that would have otherwise been exempt per exceptions listed under each construction type of Sec. 9.07.004, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula:
 - (i) Protected quality trees.
 - (1) If the caliper of the preserved exempt tree is 6" - 18", the credit applied will be equal to the caliper of the preserved trees.
 - (2) If the caliper of the preserved exempt tree is greater than 18", to include trees along the property boundaries, the credit applied will be equal to twice the caliper of the preserved tree.
 - (ii) Specimen trees. If the caliper of the preserved exempt tree is 24" or greater, the credit applied will be equal to twice the caliper of the preserved tree.

- (c) Tree credits may not be earned for the 15% minimum preservation requirement of protected quality trees and/or specimen trees within new projects consisting of twenty-five (25) or more acres.
- (d) Tree credits may not be earned for preservation of existing trees located on land required to be dedicated for public right-of-way or easement purposes, unless the property owner can demonstrate the ability to protect the credited trees by way of restrictive covenant or other legal instruments considered satisfactory by the city council.
- (e) Tree credits will not be permitted unless temporary tree protection devices are installed at least to the limit of the critical root zone or the drip line, whichever is greater, during construction activity. The city may, prior to the issuance of a tree removal permit impose additional requirements for tree-planting methods and best management practices to ensure that the preserved tree(s) grow to the anticipated height at maturity.
- (f) Required development trees shall not count towards Tree credits.

(2) Mitigations Fees

- (a) In the event that it is necessary to remove a protected quality tree and/or specimen tree, and the applicant chosen not to meet the tree replacement requirements under § 9.07.004(12), the applicant shall be required to pay into the city's Tree Fund according to the Development Fees schedule (Article A3.000)
- (b) Fees paid must be based on the tree valuation schedule listed below and contained within the Development Fee schedule. This fee shall be paid in addition to any tree removal permit fee and shall be held in a separate account (the Tree Fund) to be used exclusively for future installation of trees within public land owned by the City.

Tree Valuation Schedule for Mitigation

Tree Type/Size	Replacement Cost	
	Floodplain Tree	Protected Quality Trees & Specimen Trees
Protected Quality Trees (Floodplain only): 6" – 10" (DBH)	\$3,000	\$900
Protected Quality Trees (Floodplain only): 11" – 17" (DBH)	\$6,000	\$1,800

Protected Quality Trees: 18" – 30" (DBH)	\$15,000	\$4,500
Specimen Tree: 24" – 30" (DBH)	\$15,000	\$4,500
All trees: 30"+ (DBH)	\$20,000	\$6,000
Illegal Tree Removal	• \$1,000 plus replacement cost • \$1,000 per tree if not in the floodplain nor a protected quality or specimen tree	

§ 9.07.06 Maintenance.

The property owner or his/her agent shall be responsible for the maintenance, repair, and replacement of all preserved vegetation and landscaping plants and materials as may be required by the provisions of this article.

§ 9.07.007 Conflicts with other ordinances.

(1) All applicable provisions of the zoning ordinance, subdivision ordinance, building codes and other ordinances and regulations, as they exist or as amended, shall apply. The provisions of this article are not intended to modify or amend the preliminary site plan and/or site plan requirements of the zoning ordinance with regard to the placement of building pads, roadways, easements, utilities, pedestrian ways or other buildable areas; such placement of any application shall be left to the sole discretion of the applicant so long as the same conform to the applicable requirements of the zoning ordinance.

(2) Notwithstanding the foregoing, nothing herein shall confer any vested rights on the property subject to this article. Where the provisions of other ordinances conflict with this article, this article shall control.

§ 9.07.08 Enforcement.

The city shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this article.

(1) No development permit shall be issued unless:

(a) A tree removal permit has been approved; or

- (b) An affidavit of no protected quality trees and/or specimen trees has been submitted and approved; or
- (c) A determination of exemption has been made by the landscape administrator or designee.

(2) No development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities meet the requirements of this article.

(3) No certificate of occupancy (C.O.) shall be issued until any and all penalties for violations of this article have been paid to the city. No C.O. shall be issued until all required replacement trees have been planted.

(4) Penalties.

- (a) A person commits an offense if the person critically alters a protected quality tree and/or specimen tree not meeting an exception listed in this article without first obtaining a tree removal permit from the city.
- (b) A person commits an offense if the person critically alters a tree in violation of a tree removal permit.
- (c) Any person, firm, corporation, agent, or employee thereof who violates this article by critically altering a protected quality tree and/or specimen tree without first obtaining a tree removal permit from the city, or by critically altering a protected quality tree and/or specimen tree in violation of the permit, or by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor, and upon conviction shall be required to pay a tree mitigation fee based on the tree valuation schedule as listed in this article. The unlawful critical alteration of each protected quality tree and/or specimen tree shall be considered a separate incident, and each incident shall subject the violator to the maximum penalty set forth herein for each tree critically altered.
- (d) Any person, firm, corporation, agent, or employee thereof who violates any provision of this article other than those listed above shall be guilty of a misdemeanor and upon conviction hereof shall be fined in accordance with the general penalty provided in section **1.01.009** of this code for each incident. Each and every day said violation is continued shall constitute a separate offense.

- (e) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this article. Ignorance of the terms of this article is not an excuse for any violation.

§ 9.07.009 Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning:

Buildable area means that portion of a building site on which a building pad or building improvements may be erected, including the actual structure, driveway, pool, decks, and other construction shown on a site plan approved in connection with the issuance of a building permit.

Building lot owner means the owner of a building lot or tract of land within the corporate limits of the city or within the city's extraterritorial jurisdiction who is not in the process of subdividing land.

Building pad means the actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

Clear-cutting means the removal of 10 or more protected trees and/or specimen trees from a property within a 90-day period.

Critical root zone means the area within the drip line of the tree. As a practical matter, this is the acute portion of the tree's root system.

Critically alter means uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: removal of a tree from a property; damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of nonpermeable pavement over the root system of the tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25% of the primary root zone is altered or disturbed at natural grade, or more than 25% of the canopy is removed.

Cut and fill means areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

Determination of exemption means a determination made by the landscape administrator or his or her designee that no tree permit or tree preservation plan is required for the site.

Developer means any person who, in connection with the use of the land, is required to, or has, or is in the process of making application to the city for subdivision plat approval of property within the corporate limits of the city or within the city's ETJ.

Development permit means a grading permit or any building permits issued for site development which could result in the removal of trees.

Diameter at breast height (DBH). The diameter at breast height is the tree trunk diameter measured in inches at a height of four feet and six inches above the soil line. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its narrowest point beneath the split.

Drip line means whichever is greater:

- (1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- (2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Erosion hazard setback zone means the erosion setback areas along a drainage channel deemed by the City Engineer to be subject to flood-related erosion losses. This includes the dam offset areas established by Collin County and the Texas Commission on Environmental Quality (TCEQ).

Exemption area means an area that is clearly exempt from all tree replacement and tree protection requirements of this article, as approved by the landscape administrator.

FEMA 100-year floodplain means the area designated as being within the one-hundred-year floodplain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of this article. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year floodplain boundary after the effective date of this article due to filling of the floodplain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement, or protection requirements apply, unless—and only to the extent—that a reduction is necessary for compliance with FEMA regulations or other state or federal law.

Grubbing means excavating or removing a significant part of the root system.

Landscape administrator means the individual or company appointed by the city manager to administer city ordinances related to tree preservation.

Municipal and public domain property means property in which title is held in the name of a governmental entity. Examples include but are not limited to city buildings, county property, public parks, Corps of Engineers property, state right-of-way, libraries, fire stations, water tower sites, or similar other properties.

Non-disturbance area means an area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

NRCS means the National Resource Conservation Service.

NRCS lake tree preservation zone means the area within an elevation two feet above the emergency spillway elevation of any NRCS lake.

Orchard means a grouping of ten or more fruit or nut bearing trees of the same variety, whose fruit or nuts are fit for human consumption, which are planted and growing on a single property for sale or intended sale to the general public in their raw form or as components of human food items manufactured on the same premises.

Owner means any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner.

Protected quality tree means:

(1) A quality tree, which typically has significant positive characteristics worthy of preservation, as listed in this article (see Tree Appendix 1 at the end of this article), with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

(2) Trees with a trunk eighteen inches or greater in caliper at four feet six inches above the ground located within 10 feet of a property boundary (regardless of species). The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk. Any portion of the trees trunk must be located within the 10-feet of the property boundary

Protective fencing means chain-link fencing, orange vinyl construction fence or other fencing at least four feet high and supported at a maximum of 10-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of highly visible material.

Pruning means the removal of dead, injured, or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Residential structure means a manufactured home as that term is defined by section 1201.003 of the Texas Occupations Code (as amended), a detached one-family or two-family dwelling (including the accessory structures of the dwelling), or a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling (including the accessory structures of the dwelling), or any other multifamily structure.

Root zone, primary means the area of undisturbed natural soil around a quality tree and/or specimen tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the dripline.

Specimen tree means a tree which has been determined by the city to be of high value because of its type, size, or other specific criteria. Generally, specimen trees are trees having twenty-four inches or greater in caliper at four feet six inches above the ground. but other criteria may also be utilized. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Tree means any self-supporting woody plant which will attain a trunk caliper of two inches or more when measured at a point 4.5 feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15 feet in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

Tree board means a board appointed by the city council to carry out the duties and responsibilities set forth in this article. The city's planning and zoning commission shall constitute the tree board unless the city council appoints a separate tree board.

Tree removal application means an official city application that is required to be submitted for the removal of trees unless exempted by this Article.

Tree preservation plan means a plan drawing that identifies the location of protected quality trees and/or specimen trees and contains the information required to be set forth within this article. The tree preservation plan shall be prepared by an arborist, a licensed surveyor, a

registered or professional landscape architect, or other qualified person approved by the landscape administrator. For projects of limited scope, the landscape administrator may approve a tree preservation plan prepared by a non-professional if complete and accurate information is provided.

Utility company, franchise utility, or public utility means a company or entity, or agent for a company or entity, that provides a utility service, such as the provision of gas, electric, cable, or telephone service within the city.

PLANNING AND DEVELOPMENT REGULATIONS

9 Attachment 4

City of Anna

TREE APPENDIX 1. LIST OF QUALITY ~~AND ACCEPTABLE REPLACEMENT~~ TREES

“*” indicates Texas native plants; information on “*” trees may be found at:
<http://aggie-horticulture.tamu.edu/ornamentals/natives/indexcommon.htm>

The list below is inclusive of all improved varieties of the listed trees. In addition, trees not listed may be approved as quality trees for use at the discretion of the landscape administrator or designee.

Austrian Pine	Pinus nigra (up to 40 ft.)
Afghan (Eldarica) Pine	Pinus eldarica (up to 40 ft.)
<u>American Elm</u>	<u>Ulmus americana</u>
*Bitternut Hickory	Carya cordiformis (over 40 ft.)
*Black Hickory	Carya buehl (over 40 ft.)
*Bald Cypress	Taxodium distichum (over 40 ft.)
*Bur Oak	Quercus macrocarpa (over 40 ft.)
*Blackjack Oak	Quercus marilandica (over 40 ft.)
*Bigelow Oak	Quercus durandii var breviloba (up to 40 ft.)
*Common Persimmon	Diospyros virginiana (30-40 ft.)
*Chinquapin Oak	Quercus muhlenbergii (50-90 ft.)
*Chittamwood	Sideroxylon lanuginose (to 25 ft.)
*Cedar Elm	Ulmus crassifolia (up to 90 ft.)
Chinese Pistachio	Pistacia chinensis (30-40 ft.)
Chaste Tree	Vitex agnus-castus (15 ft.)
Crepe Myrtle	Multiple varieties (various heights)
*Desert Willow	Chilopsis linearis (20 ft.)
*Dolan Falls White Oak	Quercus polymorpha
*Eastern Red Cedar	Juniperus virginiana (to 70 ft.)
*Eve’s Necklace	Sophora affinis (15-35 ft.)
<u>Green Ash</u>	<u>Fraxinus pennsylvanica</u>
*Gregg’s Ash	Fraxinus greggii (20 ft.)
Goldenrain Tree	Koelreuteria paniculata (30-40 ft.)
Japanese Maple	Acer palmatum (6-25 ft.)
<u>Lacebark (Drake) Elm</u>	<u>Ulmus parvifolia ‘Drake’</u>
*Little Gem Magnolia	Magnolia grandiflora (15-30 ft.)
*Leland Cypress	Cupressocyparis leylandii (30-40 ft.)
*Lacey Oak	Quercus glaucoides (35 ft.)
*Live Oak	Quercus virginiana (20-50 ft.)
Mary Nell Holly	Ilex x ‘Mary Nell’ (10-15 ft.)

*Mexican Redbud	Cercis canadensis var. mexicana (10-15 ft.)
Mexican Plum	Prunus mexicana (up to 25 ft.)
*Mohr Oak	Quercus mohriana (20 ft.)
*Nogalito	Juglans microcarpa (20-30 ft.)
Nellie R. Stevens Holly	Ilex x 'Nellie R. Stevens' (20-30 ft.)
*Post Oak	Quercus stellata (to 80 ft.)
*Possum Haw Holly	Ilex decidua (8-12 ft.)
*Pecan	Carya illinoensis (to 90 ft.)
*Redbud	Cercis canadensis (15-20 ft.)
*Shumard Red Oak	Quercus shumardii (to 120 ft.)
*Sawtooth Oak	Quercus acutissima (50-60 ft.)
Shantung Maple	Acer truncatum (25-30 ft.)
*Southern Magnolia	Magnolia grandiflora (to 40 ft.)
<u>Sweet Gum</u>	<u>Liquidambar styraciflua (30-40 ft.)</u>
*Texas Madrone	Arbutus xalapensis (to 40 ft.)
*Texas Redbud	Cercis canadensis var. texensis (to 20 ft.)
*Texas Persimmon	Diospyros texana (to 20 ft.)
*Texas Ash	Fraxinus texensis (to 50 ft.)
*Texas Red Oak	Quercus texana (to 75 ft.)
*Western Soapberry	Sapindus drummondii (to 30 ft.)
*Yaupon Holly	Ilex vomitoria (not dwarf form) (8-12 ft.)

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, app. A; Ordinance 796-2018, app. A, adopted 12/11/18)

PLANNING AND DEVELOPMENT REGULATIONS

9 Attachment 5

City of Anna

TREE APPENDIX 2. APPROVED PLANT LIST

RECOMMENDED SPECIES FOR NEW PLANTINGS

The following is a list of recommended high quality, long-living trees and shrubs which are considered suitable for local soil conditions and climate. Other species may be acceptable with approval from the city manager or his designee.

OVERSTORY (SHADE) TREES: HEIGHT RANGE - 30' - 60'

Bald Cypress	Taxodium distichum
Cedar Elm	Ulmus crassifolia
Lacebark (Drake) Elm	Ulmus parvifolia 'Drake'
Pecan	Carya illinoensis
Chinese Pistache	Pistacia chinensis
Bur Oak	Quercus macrocarpa
Shumard or Texas Red Oak	Quercus shumardii or texana
Sweet Gum	Liquidambar styraciflua
Green Ash	Fraxinus pennsylvanica
Live Oak	Quercus virginiana
Western Soapberry	Sapindus drummondii
Eastern Red Cedar	Juniperus virginiana
Chinquapin Oak	Quercus muhlenbergii
American Elm	Ulmus americana

The listed overstory trees are acceptable replacement trees.

ACCENT (ORNAMENTAL) TREES: HEIGHT RANGE - 10' - 20'

The following ornamental trees, with staff approval, may be substituted for the required shade trees. These ornamental trees shall have a minimum caliper of three inches.

Japanese Black Pine	Pinus thunbergi
Afghan (Eldarica) Pine	Pinus eldarica
Redbud	Cercis canadensis
Crape Myrtle	Lagerstroemia indica
Yaupon Holly	Ilex vomitoria
Bradford Pear	Pyrus calleryana
Eve's Necklace	Sophora affinis
Texas Sophora	Sophora secundiflora
Mexican Plum	Prunus mexicana
Purple-leaf Plum	Prunus cerasifera
Crabapple	Malus angustifolia

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Deciduous Holly	<i>Ilex decidua</i>
Chaste Tree	<i>Vitex agnus-castus</i>
Mexican Buckeye	<i>Ungnadia speciosa</i>
Desert Willow	<i>Chilopsis linearis</i>

EVERGREEN SHRUBS

Drought and freeze-resistant shrubs include, but are not limited to:

Red Tip Photinia
Burford Holly
Chinese Holly
Yaupon Holly
Juniper (several varieties)
Wax Myrtles
Eleagnus

Other plants may be used with approval of the city manager or his designee.

GROUND COVER

Asian Jasmine
Liriope
English Ivy
Virginia Creeper
Boston Ivy
Vinca
Honeysuckle
Monkey Grass
Purple Wintercreeper

UNPROTECTED TREES

Arizona Ash	<i>Fraxinus velutina</i>
Bois D'Arc (native)	<i>Maclura pomifera</i>
Chinese Tallow	<i>Sapium sebiferum</i>
Cottonwood (native)	<i>Populus deltoides</i>
<u>Hackberry</u>	<u><i>Celtis occidentalis</i></u>
Honey Locust (native)	<i>Gleditsia triacanthos</i>
Lombardy Poplar	<i>Populus nigra italica</i>
<u>Mesquite</u>	<u><i>Prosopis spp</i></u>
Mulberry	<i>Morus alba</i>
Siberian Elm	<i>Ulmus pumila</i>
Silver Maple	<i>Acer saccharinum</i>
Weeping Willow	<i>Salix babylonica</i>

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, app. B; Ordinance 796-2018, app. B, adopted 12/11/18)

Chapter 9. Planning and Development Regulations

ARTICLE 9.07. TREE PRESERVATION

§ 9.07.001. Purpose.

The terms and provisions of this article are intended to accomplish the following public purposes:

- (1) To encourage preservation of existing private shade, ornamental, or specimen trees and/or trees of historic value through incentives and penalties.
 - (2) To encourage ecological stabilization through urban forest management that contributes to the processes of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation; and promote energy efficiency and water conservation through tree preservation and cultivation, thereby abating noise, heat, and glare.
 - (3) To acknowledge that trees and landscaping add value to property and protect public and private investments to the general benefit of the city and its residents.
 - (4) To define reasonable protective measures required to preserve the protected tree population.
 - (5) To protect healthy quality trees and promote the natural ecological, environmental, and existing aesthetic qualities of the city.
 - (6) To preserve and promote the appearance and rural heritage of the city.
 - (7) To protect and preserve native and specimen vegetative species, their ecosystems and natural habitats, and prevent damage to and unnecessary removal of vegetation during the land development and construction processes.
 - (8) To prohibit indiscriminate clear-cutting.
- (Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 1; Ordinance 796-2018, sec. 1, adopted 12/11/18)

§ 9.07.002. Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning:

Buildable area means that portion of a building site on which a building pad or building improvements may be erected, including the actual structure, driveway, pool, decks, and other construction shown on a site plan approved in connection with the issuance of a building permit.

Building lot owner means the owner of a building lot or tract of land within the corporate limits of the city or within the city's extraterritorial jurisdiction who is not in the process of subdividing land.

Building pad means the actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

Caliper means the diameter measurement of a tree trunk or limb. Unless otherwise specified, caliper of the trunk shall be measured 12 inches above the soil line for trees up to and including four-inch caliper size and 18 inches above the ground for larger sizes.

Clear-cutting means the removal of 10 or more protected trees from a property within a 90-day period.

Critical root zone means the area within the drip line of the tree. As a practical matter, this is the acute portion of the tree's root system. See the list of quality and acceptable replacement trees in appendix 1 at the end of this article.

Critically alter means uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: removal of a tree from a property; damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of nonpermeable pavement over the root system of the tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than 25% of the primary root zone is altered or disturbed at natural grade, or more than 25% of the canopy is removed.

Cut and fill means areas where the natural ground level has been excavated (cut) or where fill material has been brought in.

Determination of exemption means a determination made by the landscape administrator or his or her designee that no tree permit or tree preservation is required for the site.

Developer means any person who, in connection with the use of the land, is required to, or has, or is in the process of making application to the city for subdivision plat approval of property within the corporate limits of the city or within the city's ETJ.

Diameter at breast height (DBH). The diameter at breast height is the tree trunk diameter measured in inches at a height of four feet and six inches above the soil line. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Drip line means whichever is greater:

- (1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- (2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

Erosion hazard setback means the area along a drainage channel designated as an erosion setback under the city's stormwater regulations.

Exemption area means an area that is clearly exempt from all tree replacement and tree protection requirements of this article, as approved by the landscape administrator.

Extraterritorial jurisdiction or ETJ means the unincorporated area that is contiguous to the city's corporate boundaries to the extent described or permitted by the applicable provision(s) of Texas Local Government Code section 42.021 et seq.

FEMA 100-year floodplain means the area designated as being within the one-hundred-year floodplain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of this article. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year floodplain boundary after the effective date of this article due to filling of the floodplain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement, or protection requirements apply, unless—and

only to the extent—that a reduction is necessary for compliance with the city flood prevention ordinance, FEMA regulations or other state or federal law.

Grubbing means excavating or removing a significant part of the root system.

Landscape administrator means the individual or company appointed by the city manager to administer city ordinances related to tree preservation.

Municipal and public domain property means property in which title is held in the name of a governmental entity. Examples include but are not limited to city buildings, county property, public parks, Corps of Engineers property, state right-of-way, libraries, fire stations, water tower sites, or similar other properties.

Non-disturbance area means an area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

NRCS means the National Resource Conservation Service.

NRCS lake tree preservation zone means the area within an elevation two feet above the emergency spillway elevation of any NRCS lake.

Orchard means a grouping of ten or more fruit or nut bearing trees of the same variety, whose fruit or nuts are fit for human consumption, which are planted and growing on a single property for sale or intended sale to the general public in their raw form or as components of human food items manufactured on the same premises.

Owner means any person with an interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner.

Protected tree means a quality tree with a trunk six inches or greater in caliper at four feet six inches above the ground. The caliper of a multi-trunk tree shall be determined by adding the total caliper of the largest trunk to one-half the caliper of each additional trunk.

Protective fencing means chain-link fencing, orange vinyl construction fence or other fencing at least four feet high and supported at a maximum of 10-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of highly visible material.

Pruning means the removal of dead, injured, or diseased limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Quality tree means a tree species which typically has significant positive characteristics worthy of preservation, as listed in this article (see appendix 1 at the end of this article).

Residential structure means a manufactured home as that term is defined by section 1201.003 of the Texas Occupations Code (as amended), a detached one-family or two-family dwelling (including the accessory structures of the dwelling), or a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling (including the accessory structures of the dwelling), or any other multifamily structure.

Root zone, primary means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the dripline (see appendix 1 at the end of this article).

Specimen tree means a tree which has been determined by the city to be of high value because of its type, size, or other specific criteria. Generally, specimen trees are trees having 24" trunk caliper at a point 4.5 feet above ground level but other criteria may also be utilized.

Tree means any self-supporting woody plant which will attain a trunk caliper of two inches or more when measured at a point 4.5 feet above ground level and normally an overall height of at least 15 feet with a canopy of at least 15 feet in caliper at maturity. A tree may have one main stem or trunk or several stems or trunks.

Tree board means a board appointed by the city council to carry out the duties and responsibilities set forth in this article. The city's planning and zoning commission shall constitute the tree board unless the city council appoints a separate tree board.

Tree survey means a plan drawing that identifies the location of protected trees and contains the information required to be set forth within this article. The tree survey shall be prepared by an arborist, a licensed surveyor, a licensed landscape architect, or other qualified person approved by the landscape administrator. For projects of limited scope, the landscape administrator may approve a tree survey prepared by a non-professional if complete and accurate information is provided.

Utility company, franchise utility, or public utility means a company or entity, or agent for a company or entity, that provides a utility service, such as the provision of gas, electric, cable, or telephone service within the city.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 2; Ordinance 796-2018, sec. 2, adopted 12/11/18)

§ 9.07.003. Permit required; exceptions.

A tree permit shall be obtained from the landscape administrator before critically altering any protected tree, except under any of the following circumstances:

- (1) The protected tree endangers the public health, welfare or safety and immediate alteration is required;
- (2) The tree has disrupted a public utility service due to a tornado, storm, flood or other act of God. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- (3) The tree is located on the property of a licensed plant or tree nursery which has trees planted and growing on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's business;
- (4) The tree is located on a lot of record on which a single-family or duplex residence legally exists as the primary use, except those areas of such lots within a FEMA one-hundred-year floodplain, [or] erosion hazard setback zone; protected trees of 27-inch caliper or greater in size shall not be exempt;
- (5) The tree is part of an orchard;
- (6) The tree is dead, unless the tree was required under a landscape plan or was a required replacement tree.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 3; Ordinance 796-2018, sec. 3, adopted 12/11/18)

§ 9.07.004. Permit types.

- (a) Limited purpose tree permit. A limited purpose tree permit shall be approved prior to the critical alteration of one or more trees on any site where the removal of trees is not related to a construction project which requires issuance of a building permit or development permit. This shall not include alteration of trees for agricultural purposes. A limited purpose tree permit shall become void 180 days after the issuance date and does not require a fee paid to the city.

(b) Construction tree permit. A construction tree permit must be applied for:

- (1) Prior to any building, paving, grading, or construction of a subdivision or public improvement. An application for a construction tree permit shall be submitted concurrent with a preliminary or short form/combination plat. A development permit shall not be issued prior to issuance of a construction tree permit. A construction tree permit shall not be required prior to construction of a subdivision or public improvements if an application for a preliminary plat or preliminary-final plat has been filed prior to the effective date of this article.
- (2) Prior to any paving, grading, or construction of a building other than a single-family or duplex residence. An application for a construction tree permit shall be submitted concurrent with a detailed site plan. A building permit shall not be issued prior to issuance of a construction tree permit. A construction tree permit shall not be required prior to construction of such a building if an application for a site plan has been filed prior to the effective date of this article.
- (3) Prior to any paving, grading, or construction of a single-family or duplex residence on any lot containing a FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone. An application for a construction tree permit shall be submitted concurrent with the application for a building permit. A development permit shall not be issued prior to issuance of a construction tree permit. A construction tree permit shall not be required prior to construction of a single-family or duplex residence if an application for a building permit has been filed prior to the effective date of this article.
- (4) Authorization to critically alter trees on a site for which a construction tree permit is required shall be limited to those trees identified and approved for critical alteration as shown on documentation submitted for the construction tree permit.

(c) Permit period; nature of permit. A construction tree permit shall be valid for the period of the site plan, development permit, or building permit's validity, or a maximum of two years, whichever is less. Upon and after expiration of a construction tree permit, such expired permit may not be deemed to be a "permit" in connection with Texas Local Government Code section 245.001 et seq. or any other statute or law conferring vested rights for development. Any permit issued under this article does not create a property right in the permittee.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 4; Ordinance 796-2018, sec. 4, adopted 12/11/18)

§ 9.07.005. Applicability.

The provisions of this article shall apply to all new and existing real property within the city and its ETJ to extent stated herein. The following shall be exempt from tree preservation and replacement requirements:

- (1) Major drainage structures, including detention and retention basins, and including transitional slopes at the maximum slope allowed by the city's stormwater regulations;
- (2) Interior areas of golf courses, but not landscape buffers on the perimeter of properties containing golf courses;
- (3) Hike/bike/equestrian trails;
- (4) Sports fields open for public use, such as soccer, baseball, and football fields;
- (5) Equestrian centers;
- (6) Critical alteration of any protected tree by a utility company in order to maintain appropriate existing utility services;
- (7) Construction of utilities or public infrastructure on municipal and/or public domain property, or whenever conducted by city personnel; and

(8) Area within an area zoned for downtown redevelopment.
(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 5; Ordinance 796-2018, sec. 5, adopted 12/11/18)

§ 9.07.006. Conflicts with other ordinances.

- (a) All applicable provisions of the comprehensive zoning ordinance, subdivision ordinance, stormwater regulations, building codes and other ordinances, as they exist or as amended, shall apply. The provisions of this article are not intended to modify or amend the site plan requirements of the comprehensive zoning ordinance with regard to the placement of building pads, roadways, easements, utilities, pedestrian ways or other buildable areas; such placement of any application shall be left to the sole discretion of the applicant so long as the same conform to the applicable requirements of the comprehensive zoning ordinance.
- (b) Notwithstanding the foregoing, nothing herein shall confer any vested rights on the property subject to this article. Where the provisions of other ordinances conflict with this article, this article shall control.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 6; Ordinance 796-2018, sec. 6, adopted 12/11/18)

§ 9.07.007. Administrative official.

Provisions of this article shall be administered by the landscape administrator or designee.
(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 7; Ordinance 796-2018, sec. 7, adopted 12/11/18)

§ 9.07.008. Tree preservation permit submittal and review.

- (a) The landscape administrator shall establish administrative procedures necessary to implement and enforce this article.
- (b) An application for a tree permit shall include these required documents:
 - (1) Completed application form;
 - (2) A tree survey at the same scale as the site plan or preliminary plat with building pad, pavement areas, and other construction features that will disturb the land indicated. The tree survey shall include the following information:
 - (A) Name and phone number of the person who prepared the survey;
 - (B) Property lines with dimensions;
 - (C) Engineering scale (same scale as the preliminary plat);
 - (D) Location of all rights-of-way and easements (existing and proposed);
 - (E) Location of all buildings, structures, pools, parking and vehicular maneuvering area, utilities, sidewalks, and other improvements (existing and proposed);
 - (F) Location of FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback easement;
 - (G) Any proposed non-disturbance area;
 - (H) Identifying numbers for all trees of two inches or greater DBH;

- (I) The common and botanical name of all trees with identifying numbers;
 - (J) Caliper size of all trees six inches or greater DBH; and
 - (K) Location of all trees not included in a non-disturbance area that are to be preserved.
- (c) In specific situations, tree survey requirements may be reduced as follows:
- (1) Non-disturbance areas. The landscape administrator may approve a non-disturbance area to be designated on the tree survey. The non-disturbance area is an area in which no construction will occur. Trees within the non-disturbance area are not required to be individually identified on the tree survey unless they will be used as credits.
 - (2) Proposed exemption area. The landscape administrator may approve a proposed exemption area to be designated on the tree survey. The proposed exemption area corresponds to areas of the site specifically exempted from tree replacement and protection requirements of this article. Trees within the proposed exemption area are not required to be individually identified on the tree survey unless they will be used as credits.
 - (3) Aerial photograph. For property containing large, heavily wooded areas, the landscape administrator may, in lieu of a tree survey, authorize the submittal of an aerial photograph accompanied by a transparent plan of the development at the same scale as the photograph, showing all non-disturbance areas and proposed exemption areas where no trees will be critically altered, provided that a tree survey of all other areas is submitted to the landscape administrator prior to any grading or construction. The landscape administrator may approve the submission of photographs in phases for a multi-phased project.
 - (4) Affidavit of no protected trees. If a property contains no protected tree species, the applicant may submit an affidavit of no protected trees in lieu of a tree survey. This affidavit shall act in lieu of a tree survey upon a determination by the landscape administrator that no protected trees exist on the site. After the expiration of 10 business days after the submittal, the affidavit shall satisfy the requirements of this article, unless within said ten business days the affidavit is denied by the landscape administrator due to a determination that the property contains protected trees or the trees on the site cannot be affirmatively identified as non-protected trees by the landscape administrator.
- (d) A tree preservation plan shall be submitted showing existing protected trees to remain, existing protected trees to be removed, and replacement trees with type, location, number and size of replacement trees indicated. The tree preservation plan information may be included on the tree survey if all information can be clearly delineated.
- (Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 8; Ordinance 796-2018, sec. 8, adopted 12/11/18)

§ 9.07.009. Permit fees.

At the time a tree permit application is submitted, an applicant shall pay a fee to the city in the amount specified by the city council in a fee schedule. The following shall be exempt from payment of the tree permit fees:

- (1) City of Anna. When critically altering any protected tree not exempt from tree permit requirements, the city is exempt from the tree permit fee, but must obtain a tree permit and comply with all tree placement and tree protection procedures as listed in this article. Protected trees proposed to be critically altered must be shown on construction plans approved by the landscape administrator.
- (2) Diseased, dead, or dangerous tree. An applicant is exempt from the tree permit fee if critically altering a diseased or dead tree, or a tree which poses an imminent or immediate threat to persons or property, in a manner which is allowed under permit exemption status.

- (3) Trees located on a property that contains an existing one-family or two-family dwelling that is the applicant's residence, so long as such trees measure less than 10 inches in diameter at a point on the trunk four feet and six inches above the ground.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 9; Ordinance 796-2018, sec. 9, adopted 12/11/18)

§ 9.07.010. Review of permit application; waivers.

- (a) Tree permit applications. The landscape administrator shall grant a tree permit provided the requirements of this article are met. Limited purpose tree permits shall be approved within three business days after complete permit information is provided by the applicant.
- (b) Grievances. An applicant aggrieved by a decision of the landscape administrator may appeal the decision to the board of adjustment for an interpretation.
- (c) Waivers. An application for a waiver to the terms of the tree preservation section may be made. The application for a waiver shall be reviewed by the tree board, and a recommendation for approval or denial shall be forwarded to the city council. The decision of the city council shall be final. No public hearing shall be required. The tree board and city council shall consider the following factors in determining whether a waiver should be granted:
- (1) The literal enforcement cannot be accomplished;
 - (2) The extent to which the application meets other standards of this article;
 - (3) The positive and negative impact of the proposed project on surrounding properties; and
 - (4) The extent to which the waiver would be mitigated by other proposed or existing landscaping.
- (d) Non-substantive changes. The landscape administrator shall be authorized to work with owners, developers, and builders to make non-substantive changes, within the scope of this article, to plans, permits and other requirements after approval by staff, city council or the tree board, as appropriate. These changes are intended to provide the greatest reasonable protection toward achieving the purposes of this article.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 10; Ordinance 796-2018, sec. 10, adopted 12/11/18)

§ 9.07.011. Standards.

- (a) Clear-cutting. Clear-cutting is prohibited unless specifically authorized by a limited purpose tree permit or a construction tree permit.
- (b) Residential development.
- (1) Construction of a single-family or duplex residential subdivision.
 - (A) Protected trees located in a FEMA 100-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article, to the extent permitted under state law.
 - (B) In cases other than listed immediately above (subsection (1)(A)), all protected trees 18 inches in caliper or greater shall be subject to tree replacement and tree protection requirements except where protected trees must be critically altered to:
 - (i) Install and maintain any utility lines;
 - (ii) Construct public improvements at the minimum required width only;
 - (iii) Construct streets at the minimum required width only;

- (iv) Provide any required easement up to the minimum width needed to accommodate the required service;
- (v) Construct any hike/bike/equestrian trails;
- (vi) Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (vii) Achieve cut and fill drainage as designed in master drainage construction plans, including detention or retention ponds. Transitional slopes to the original grade that are less steep than the original grade and that are less steep than the maximum allowed slope shall not be exempt.

(2) Construction of a single-family or duplex residence on a single [lot] (not part of a larger subdivision).

- (A) Protected trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.
- (B) In cases other than listed immediately above (subsection **(1)(A)** [(2)(A)]), all protected trees 18 inches in caliper or greater shall be subject to tree replacement and tree protection requirements except where protected trees must be critically altered for a:
 - (i) Building pad site;
 - (ii) Driveway;
 - (iii) Sidewalk at the minimum required width only;
 - (iv) Patio;
 - (v) Septic tank or lateral line;
 - (vi) Pool and associated deck area;
 - (vii) Fence; or
 - (viii) Ancillary feature normally associated with residential construction.
- (C) All other areas of the lot shall be exempt from tree protection and tree replacement requirements of this article.

(3) Construction of a multifamily development.

- (A) Protected trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.
- (B) In cases other than listed immediately above (subsection **(3)(A)**), all protected trees 18 inches in caliper or greater shall be subject to tree replacement and tree protection requirements except where protected trees must be critically altered to:
 - (i) Install and maintain any utility lines;
 - (ii) Dedicate public right-of-way;
 - (iii) Construct any public or private streets at the minimum required width only;
 - (iv) Provide any required easement up to the minimum width needed to accommodate the required service;
 - (v) Construct any fire lanes at the minimum required width only;

- (vi) Construct any sidewalks;
- (vii) Construct swimming pools;
- (viii) Construct any hike/bike/equestrian trails;
- (ix) Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
- (x) Achieve cut and fill drainage as designed in master drainage construction plan, including required retention or detention ponds. Transitional slopes to the original grade that are less steep than the maximum allowed slope shall not be exempt.

(C) All other areas of the lot shall be exempt from tree protection and tree replacement requirements of this article.

(c) Nonresidential development.

- (1) Protected trees located in a FEMA one-hundred-year floodplain, NRCS lake tree preservation zone, or erosion hazard setback zone shall be subject to all tree replacement and tree protection requirements of this article.
- (2) In cases other than listed immediately above (subsection (c)(1)), all protected trees 18 inches in caliper or greater shall be subject to tree replacement and tree protection requirements except where protected trees must be critically altered for a [to]:
 - (A) Install and maintain any utility lines;
 - (B) Dedicate public right-of-way;
 - (C) Construct any public or private streets at the minimum required width only;
 - (D) Provide any required easement up to the minimum width needed to accommodate the required service;
 - (E) Construct any fire lanes at the minimum required width only;
 - (F) Construct any sidewalks at the minimum required width only;
 - (G) Construct swimming pools;
 - (H) Construct any hike/bike/equestrian trails;
 - (I) Construct any portions of a golf course, park playing field, equestrian center, or school playing field but not including buildings, additional parking, club houses, or ancillary buildings; or
 - (J) Achieve cut and fill drainage as designed in master drainage construction plan, including required retention or detention ponds. Transitional slopes to the original grade that are less steep than the maximum allowed slope shall not be exempt.
- (3) All other areas of the development shall be subject to both tree replacement and tree protection requirements, and all other provisions of this article, except that tree replacement in areas reclaimed from the floodplain and used for nonresidential development shall be limited to one three-inch caliper tree for each protected tree removed.

(d) Existing single-family or duplex residential development. All trees 18 inches in caliper or greater at DBH shall be subject to tree preservation requirements regardless of location.

(e) All other existing development. Tree preservation and replacement requirements shall apply, except that additions or redevelopment shall be allowed the same exemptions as for new nonresidential or multifamily development, as applicable.

- (f) Demolition. The landscape administrator may issue a limited purpose tree permit to allow critical alteration of a protected tree if such critical alteration is necessary to allow demolition of a structure. The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this article.
- (g) Diseased trees. Upon issuance of a limited purpose tree permit, a diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. If the landscape administrator issues a limited purpose tree permit for this use, the protected trees covered by the permit shall be exempt from the tree replacement and protection requirements of this article.
- (h) Ground level cuts. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the landscape administrator.
- (i) Removal of underbrush. Removal of underbrush, not including grubbing under drip lines, shall not require a tree permit.
- (j) Grubbing under drip lines. The landscape administrator may issue a limited purpose tree permit allowing the clearing and grubbing of brush located within or under the drip lines of protected trees.
- (k) Trees along property lines. Trees along property lines, even if not on the protected or quality tree list, may be considered as protected trees when the landscape administrator makes a determination, in writing, that such trees promote the purposes of this article.
- (l) Tree replacement.
 - (1) Unless specifically exempted, the following tree replacement procedures shall apply to any person who critically alters a protected tree for which a permit is required.
 - (2) In the event that it is necessary to remove trees three caliper inches or greater subject to this article, the developer or lot owner, as a condition to issuance of a tree removal permit, may be required to replace the tree(s) being removed with replacement trees comparable to other trees within the site.
 - (3) Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated. Replacement trees shall be in addition to trees required under other landscape requirements of the city.
 - (4) Replacement trees shall be a minimum of 3 inches in diameter when measured at breast height (DBH). Examples include:
 - (A) A total of 18 inches diameter to be removed shall be replaced with six 3-inch diameter trees.
 - (B) A total of 19 inches diameter to be removed shall be replaced with seven 3-inch trees, or five 3-inch trees and one 4-inch tree.
 - (5) All replacement trees shall be guaranteed for one year from the date of the final inspection and acceptance of the project. The responsibility to replace trees shall apply to both the person altering a protected tree, and the owner of the property. If a replacement tree dies, the owner of the property is responsible for replacing that tree.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 11; Ordinance 796-2018, sec. 11, adopted 12/11/18)

§ 9.07.012. Tree requirements for commercial properties.

- (a) See article 9.06 landscape regulations for tree requirements.

(b) See appendix 1 at the end of this article for a suggested species list that may be used to meet the requirements of this article.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 12; Ordinance 796-2018, sec. 12, adopted 12/11/18; Ordinance 862-2020 adopted 6/23/20)

§ 9.07.013. Tree credits.

- (a) All persons subject to payment of a tree permit fee under this article or any other city ordinance are entitled to apply for a credit for tree planting to offset the amount of the fee ("tree credit").
- (b) To qualify for a tree credit, the planted tree must measure no less than 2" in diameter at a point on the trunk four feet and six inches above the ground, and be:
 - (1) Planted on a property for which the tree permit fee was assessed; or
 - (2) Planted on a property mutually agreed upon by the city and the applicant.
- (c) Tree credits shall be calculated and applied as offsets in the same manner as tree permit fees are determined, and subject to the following rules:
 - (1) Tree credits shall be equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the applicant's residence.
 - (2) Tree credits shall be no less than 50 percent of the tree permit fee assessed against the applicant if the property is a residential structure or pertains to the development, construction, or renovation of a residential structure, and the applicant is developing, constructing, or renovating the property for a use other than use as the applicant's residence.
 - (3) Tree credits shall be no less than 40 percent of the tree permit fee assessed against the applicant if the property is not a residential structure or the person is constructing or intends to construct a structure on the property that is not a residential structure.
- (d) Tree credits are only available for planting of trees from the city's approved list of species.
- (e) When any quality tree of 3 inches or more in caliper is preserved that would otherwise have been exempt, credits toward the total inches of caliper of replacement trees required for the development site will be given as per the following formula:
 - (1) If the caliper of the preserved exempt tree is 3" - 16", the credit applied will be equal to the caliper of the preserved trees.
 - (2) If the caliper of the preserved exempt tree is greater than 16", the credit applied will be equal to twice the caliper of the preserved tree.
- (f) Tree credits may not be earned for preservation of existing trees located on land required to be dedicated for public right-of-way or easement purposes, unless the property owner can demonstrate the ability to protect the credited trees by way of restrictive covenant or other legal instruments considered satisfactory by the city council.
- (g) Tree credits will not be permitted unless temporary tree protection devices are installed at least to the limit of the critical root zone or the drip line, whichever is greater, during construction activity. The city may, prior to the issuance of a tree permit or allowing any offset of tree permit fees through tree credits, impose additional requirements for tree-planting methods and best management practices to ensure that the tree(s) grow to the anticipated height at maturity.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 13; Ordinance 796-2018, sec. 13, adopted 12/11/18)

§ 9.07.014. Maintenance.

The property owner or his/her agent shall be responsible for the maintenance, repair, and replacement of all preserved vegetation and landscaping plants and materials as may be required by the provisions of this article.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 14; Ordinance 796-2018, sec. 14, adopted 12/11/18)

§ 9.07.015. Enforcement.

The city shall not approve a development agreement unless it provides that all construction activities shall meet the requirements of this article.

(1) No building permit or development permit shall be issued unless:

- (A) A construction tree permit has been approved; or
- (B) An affidavit of no protected trees has been submitted and approved; or
- (C) A determination of exemption has been made by the landscape administrator or designee.

(2) No building permit or development permit shall be issued unless the applicant signs an application or permit request which says that all construction activities meet the requirements of this article.

(3) No certificate of occupancy (C.O.) shall be issued until any and all penalties for violations of this article have been paid to the city. No C.O. shall be issued until all required replacement trees have been planted.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 15; Ordinance 796-2018, sec. 15, adopted 12/11/18)

§ 9.07.016. Offenses and penalties.

(a) A person commits an offense if the person critically alters a protected tree not meeting an exception listed in this article without first obtaining a tree permit from the city.

(b) A person commits an offense if the person critically alters a tree in violation of a tree permit.

(c) Any person, firm, corporation, agent, or employee thereof who violates this article by critically altering a protected tree without first obtaining a tree permit from the city, or by critically altering a protected tree in violation of the permit, or by failing to follow the tree replacement procedures, shall be guilty of a misdemeanor, and upon conviction shall be fined \$100.00 per caliper inch of the tree critically altered, not to exceed \$500.00 per critical alteration. The unlawful critical alteration of each protected tree shall be considered a separate incident, and each incident shall subject the violator to the maximum penalty set forth herein for each tree critically altered.

(d) Any person, firm, corporation, agent, or employee thereof who violates any provision of this article other than those listed above shall be guilty of a misdemeanor and upon conviction hereof shall be fined in accordance with the general penalty provided in section **1.01.009** of this code for each incident. Each and every day said violation is continued shall constitute a separate offense.

(e) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this article. Ignorance of the terms of this article is not an excuse for any violation.

(Ordinance 220-2005 adopted 7/28/05; 2008 Code, pt. III-F, sec. 16; Ordinance 796-2018, sec. 16, adopted 12/11/18; Ordinance adopting 2019 Code)